



Muri Mwaniki & Mwiti Advocates v Gateway Insurance Co Ltd (Miscellaneous Application 69 of 2015) [2023] KEHC 17487 (KLR) (17 May 2023) (Ruling)

Neutral citation: [2023] KEHC 17487 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
MISCELLANEOUS APPLICATION 69 OF 2015**

J WAKIAGA, J

MAY 17, 2023

BETWEEN

MURI MWANIKI & MWITI ADVOCATES APPLICANT

AND

GATEWAY INSURANCE CO LTD RESPONDENT

RULING

1. By a Notice of Motion dated 31st October 2017 brought under Section 51(2) of the *Advocates Act*, rule 7 of the Advocates (Remuneration Order and Order 51 Rule 1 of the *Civil Procedure Rules*, the Applicant moved the Court for an Order that Judgement be entered for the sum of Kshs.260,000 in cost certified by the taxing officer on 4th May 2017 together with interest thereon.
2. The application was supported by the affidavit of Kageni Kimathi Advocate in which he deposed that they were instructed by the Respondent to defend the suit in Muranga CMCC No 135 of 2007 and that upon conclusion thereof they taxed their bill of cost and a certificate thereon issued which they now wish to execute.
3. The Respondent was dully served but opted not to file any response to the application.
4. It is not disputed that the Advocate client bill of cost was taxed and a certificate issued thereon. The client has not filed any objection and or reference against the said bill of cost as taxed and further there is no dispute as to the retainer of the Applicant by the Respondent and therefore the certificate of cost herein is final as to the quantum payable under the provisions of Section 51(1) of the *Advocates Act*.
5. I am therefore satisfied that the Applicant has made up a case for the grant of Orders sought and is entitled to Judgement as prayed.



Disposition

6. The Notice of Motion herein has merit and is allowed. Judgment is entered for the Applicant for the sum of Kenya shillings Two Hundred and Sixty Thousand Eight Hundred and Thirty-Eight (Kshs.260,838) as taxed by the Taxing Master together with interest thereon from the date of filing of the bill of cost until payment in full.
7. The Applicant is entitled to the cost of this application. And it is ordered.

DATED SIGNED AND DELIVERED AT MURANGA THIS 17TH DAY OF MAY 2023

J. WAKIAGA

JUDGE

In the presence of:

No appearance by the parties

Jackline - Court Assistant

