



REPUBLIC OF KENYA



KENYA LAW
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Rogers Mugumya t/a Mugumya & Company Advocates v Langat (Miscellaneous Civil Application E035 of 2022) [2023] KEHC 4141 (KLR) (10 May 2023) (Judgment)

Neutral citation: [2023] KEHC 4141 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
MISCELLANEOUS CIVIL APPLICATION E035 OF 2022**

RL KORIR, J

MAY 10, 2023

BETWEEN

**ROGERS MUGUMYA T/A MUGUMYA & COMPANY
ADVOCATES APPLICANT**

AND

BENARD KIPKORIR LANGAT RESPONDENT

JUDGMENT

1. By Notice of Motion Application dated March 23, 2023, the Applicant moved this court for orders: -
 - I. That this Honourable Court be pleased to convert the Certificate of Costs issued on March 8, 2023 and dated March 21, 2023 into a decree and Judgment together with interest at 14% per annum as from March 21, 2023 until payment in full.
 - II. That costs of this application be awarded to the applicant.
2. The Application was brought under Section 51(2) of the *Advocate's Act* Cap 16 Laws of Kenya, Order 11(3) (1) (h) of the *Civil Procedure Rules* and was anchored on the grounds on the face of the Application and on the Supporting Affidavit sworn by Rogers Mugumya on March 23, 2023.
3. The Applicant stated that a bill of costs with respect to the advocate/client costs was taxed and allowed at a sum of Kshs 300,780/- on March 8, 2023 and a Certificate of Costs was issued. That despite being served with the Certificate of Costs, the Respondent has not paid the said amount.
4. The Application remained unopposed despite service.
5. I have considered the Notice of Motion Application dated March 23, 2023 and the only issue for determination was whether the Certificate of Taxation dated March 21, 2023 should be adopted as the Judgment of this court.



6. Section 51 (2) of the *Advocates Act* provides that:-

The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the costs covered thereby, and the Court may make such order in relation thereto as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

7. It is clear that the amount contained in the Certificate of Taxation is final and that this court has the power to enter Judgment for the taxed amount. There is no evidence to show that the Certificate of Taxation had been altered or set aside.

8. I fully associate myself with the finding in *Lubulellab & Associates Advocates vs N K Brothers Limited* [2014] eKLR, where it was held that:-

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of costs and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter judgment.”

9. I proceed to enter judgment in favour of the applicant for three hundred thousand seven hundred and eighty shillings (Kshs 300,780/=) stated in the Certificate of costs dated March 21, 2023.

10. The Applicant shall also have the costs of this application.

JUDGEMENT DELIVERED, DATED AND SIGNED AT BOMET THIS 10TH DAY OF MAY, 2023.

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R LAGAT-KORIR

JUDGE

Judgment delivered in the presence of Mr Mugumya for the Applicant, and in the absence of the Respondents. Siele(Court Assistant)

