



**Kinyanjui Njuguna & Co. Advocates v Directline Assurance
Company Limited (Miscellaneous Application E403 of 2023)
[2024] KEHC 14557 (KLR) (Commercial and Tax) (19 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14557 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
MISCELLANEOUS APPLICATION E403 OF 2023
PM MULWA, J
NOVEMBER 19, 2024**

BETWEEN

KINYANJUI NJUGUNA & CO. ADVOCATES APPLICANT

AND

DIRECTLINE ASSURANCE COMPANY LIMITED RESPONDENT

RULING

1. Before the court for determination is the Advocate’s Notice of Motion application dated 18th October 2023 filed pursuant to Order 51, Rule 1 of the Civil Procedure Rules, Section 52 of the [Advocates Act](#) and Rule 7 of the Advocates (Remuneration) Order 2014.
2. The Advocate prayed for judgement to be entered for Kshs.179,959.00 plus interest on the amount at 14% per annum from 3rd May 2023 until payment in full.
3. The grounds were that the Advocate’s bill of costs in this matter had been taxed and a certificate of costs issued and that the client had continually neglected to pay legal fees duly earned despite demand and notice by the plaintiff.
4. The Client neglected to file a response to the instant application despite the court granting it an opportunity to do so. There is an affidavit of service on record indicating that the Client was served with the court directions but opted not to act on the same. The application is therefore no opposed.



Analysis and determination

5. Section 51(2) of the *Advocates Act* states:

“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.”

6. In this case the Advocate’s bill of costs dated 22nd May 2023 was taxed in favour of the Advocate as against the Client in the sum of Kshs.179,959.00. Consequently, a certificate of taxation for the said sum was issued by the Deputy Registrar on 5th October 2023.

7. Guided by Section 51(2) of the *Advocates Act*, I find no reason not to enter judgment for the sum specified in the aforementioned certificate of costs.

8. As for interest, Rule 7 of the Advocates (Remuneration) Order 2014 permits an advocate to charge 14% interest in his fees. It states:

“An advocate may charge interest at 14 per cent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full.”

9. Based on the foregoing, I find merit in the application and grant the prayers as sought. Similar orders to apply equally in Miscellaneous Application Nos. E400 of 2023, E401 of 2023 and E402 of 2023 for the respective applications.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 19TH DAY OF NOVEMBER 2024.

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P.MULWA

JUDGE

In the presence of:

Ms. Gathara for advocate/appellant

N/A for client/respondent

Court Assistant: Carlos

