



REPUBLIC OF KENYA



Muma Nyagaka & Co Advocates v Occidental Insurance Company Limited (Miscellaneous Application E072 of 2024) [2024] KEHC 13810 (KLR) (7 November 2024) (Ruling)

Neutral citation: [2024] KEHC 13810 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E072 OF 2024
RE ABURILI, J
NOVEMBER 7, 2024**

BETWEEN

MUMA NYAGAKA & CO ADVOCATES ADVOCATE

AND

OCCIDENTIAL INSURANCE COMPANY LIMITED CLIENT

(An application for adoption of certificate of taxation in an advocate/ client costs matter following legal representation in Nyando PMCC 10 of 2015)

RULING

1. The application dated 19th July 2024 was served upon the Respondent's counsel on 8th October 2024 as per the filed affidavit of service dated 8th October 2024.
2. The directions and orders of this court made on 26th September 2024 were also served upon the Respondent's counsel who attended the taxation before the Deputy Registrar and took the Ruling on taxation on 20th June 2024.
3. The Respondent is absent and there is no Reference filed to challenge the certificate of taxation issued on 11th July 2024. There is also no dispute as to retainer and neither is there any position to the application for conversion of the certificate of taxation into judgment of this court.
4. Accordingly, the application dated 19th July 2024 which is not opposed is hereby allowed as follows:-
 1. The Certificate of taxation dated 20/6/2024 issued pursuant to the Ruling dated 20th June 2024 is adopted as Judgment of this court on advocate/client costs, entering Judgment for the advocate in the sum of Kshs.223,994 against the Client/Respondent.
 2. The taxed costs of Kshs.223,994 shall earn interest at court rates from date of taxation until payment in full.



3. Decree to issue for the said taxed costs.
4. Each party to bear their own costs of the application dated 19th July 2024.
5. The Applicant/Advocate to serve this Ruling and Decree upon the Client/Respondent giving it 14 days to settle and in default, execution to issue.
6. Mention before the Deputy Registrar on 28th November 2024 to confirm settlement of the decretal sum.

5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

