



**Muma Nyagaka & Company Advocates v Occidental Insurance Company Limited (Miscellaneous Application E069 of 2024) [2024] KEHC 13619 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13619 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS APPLICATION E069 OF 2024  
RE ABURILI, J  
NOVEMBER 7, 2024**

**BETWEEN**

**MUMA NYAGAKA & COMPANY ADVOCATES ..... ADVOCATE**

**AND**

**OCCIDENTAL INSURANCE COMPANY LIMITED ..... CLIENT**

*(An application for adoption of certificate of taxation in an advocate/ client costs matter following legal representation in Kisumu CMCC No. 375 of 2013)*

**RULING**

1. The application dated 19<sup>th</sup> July 2024 was served upon the Respondent's counsel on 8<sup>th</sup> October 2024 as per the filed affidavit of service dated 8<sup>th</sup> October 2024.
2. The directions and orders of this court made on 26<sup>th</sup> 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 20<sup>th</sup> June 2024.
3. The Respondent is absent and there is no Reference filed to challenge the certificate of taxation issued on 11<sup>th</sup> 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 19<sup>th</sup> 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 20<sup>th</sup> June 2024 is adopted as Judgment of this court on advocate/client costs, entering Judgment for the advocate in the sum of Kshs.198,788 against the Client/Respondent.
  2. The taxed costs of Kshs.198,788 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 19<sup>th</sup> 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 28<sup>th</sup> November 2024 to confirm settlement of the decretal sum.

5. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

