



**Walubengo Waningilo & Company Advocates v National Health Insurance Fund Board (Miscellaneous Application E864 of 2024) [2024] KEHC 14341 (KLR) (Civ) (14 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14341 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**MISCELLANEOUS APPLICATION E864 OF 2024**

**JM OMIDO, J**

**NOVEMBER 14, 2024**

**BETWEEN**

**WALUBENGO WANINGILO & COMPANY ADVOCATES ..... APPLICANT**

**AND**

**NATIONAL HEALTH INSURANCE FUND BOARD ..... RESPONDENT**

**RULING**

1. This ruling results from the Applicant/Advocate's Notice of Motion dated 16<sup>th</sup> October, 2024, brought Section 31(2) of the *Advocates Act*, Cap 16 Laws of Kenya and Paragraph 16 of the Advocates Remuneration (Amendment) Order and all other enabling provisions of the law and seeks the following orders:
  - a. That this Honourable Court be pleased to adopt and enter judgement and issue a decree in favour of the Applicant against the Respondent for the sum of Ksh.8,214,899.274 as per the Certificate of Taxation of Costs together with interest of 12% per annum from 2<sup>nd</sup> October, 2024 until payment in full.
  - b. That the costs of this application be borne by the Respondent.
2. The grounds upon which the application is premised are in precis that the Respondent instructed the Appellant to act for it in HCCOMMISC No. E622 of 2022 National Hospital Insurance Fund v Jomec Limited and that the Applicant professionally executed the Respondents instructions. The Respondent subsequently failed to settle the Applicant's legal fees which then resulted in the Applicant filing its bill of costs that was subsequently taxed by the Taxing Master at Ksh.8,214,899.274 on 30<sup>th</sup> September, 2024 and a Certificate of Taxation of Costs issued to that effect on 2<sup>nd</sup> October, 2024. The costs remain unsettled.



3. The application is supported by the affidavit of Walubengo Waningilo Advocate, the proprietor of the Applicant sworn on 16<sup>th</sup> October, 2024. The affidavit, to which is annexed inter alia the Certificate of Taxation of Costs, expounds on the above grounds.
4. Service of the application and the hearing notice thereof was effected upon the Respondent to the satisfaction of this court. The Respondent neither appeared nor responded to the Motion and the application proceeded unopposed.
5. Having perused the application, the affidavit in support thereof and the record in its entirety, I am satisfied that the Applicant has demonstrated that it was instructed by and represented the Respondent in the above matter and that the Applicant's costs as determined by the Taxing Master remain unsettled.
6. Having said as much, the application has merit and I will proceed to allow it in the following terms:
  - a. That judgement is hereby entered in favour of the Applicant against the Respondent for the sum of Ksh.8,214,899.274 as per the Certificate of Taxation of Costs issued herein dated 2<sup>nd</sup> October, 2024.
  - b. That the above sum of Ksh.8,214,899.274 shall attract interest at the rate of 12% per annum from 2<sup>nd</sup> October, 2024 until payment in full.
  - c. That as the Notice of Motion dated 16<sup>th</sup> October, 2024 was not opposed, I make no orders as to costs in respect thereof.

**DELIVERED (VIRTUALLY), DATED AND SIGNED THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**JOE M. OMIDO**

**JUDGE**

For The Applicant: Ms. Buyengo.

For The Repondent: No Appearance.

Court Assistant: Ms. Njoroge.

