



**Daniel Karuru Mwaura t/a Karuru Mwaura & Company Advocates
v County Government of Kiambu (Civil Case 15 of 2018) [2021]
KEHC 37 (KLR) (Commercial and Tax) (21 September 2021) (Ruling)**

Neutral citation: [2021] KEHC 37 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
CIVIL CASE 15 OF 2018
DAS MAJANJA, J
SEPTEMBER 21, 2021**

BETWEEN

**DANIEL KARURU MWAURA T/A KARURU MWAURA & COMPANY
ADVOCATES PLAINTIFF**

AND

COUNTY GOVERNMENT OF KIAMBU DEFENDANT

RULING

1. The application before the court is the Notice of Motion dated 20th April 2021 is made under section 51 of the [Advocates Act](#) (Chapter 16 of the Laws of Kenya) seeking the following orders:
 - (1) THAT judgment be entered for the Plaintiff against the Defendant for Kshs. 10,932,417 being taxed costs after the partial judgment was entered on 14th July 2020.
 - (2) THAT the amount of Kshs. 3,061,076.80 be awarded interest on the costs taxed after judgment.
 - (3) THAT final judgment be entered for the Plaintiff in the following terms:
 - (a) Kshs. 28,913,932.40 together with interest thereon at 14% per annum from 14/7/2020 or 3,035,968.10 to make Kshs. 31,949,950.00.
 - (b) Kshs. 13,993,494.00 being taxed costs after 14/7/2020 together with interest at 14% per annum when the bills were filed.



- (4) THAT interest on Kshs. 42,907,476.00 from the date of filing this application till payment in full.
2. The application is supported by the affidavit of Daniel Karuru Mwaura, the Plaintiff, sworn on 20th April 2021. Although served, the application is not opposed by the Respondent.
3. According to the deposition in support of the application, on 14th July 2020, the court entered a partial consent judgment for Kshs. 28,913,382.40 with interest thereon at 14% annum from that date until payment in full in relation to 14 out of 23 bills presented for taxation. Thereafter the pending 9 bills have now been taxed for a total of Kshs. 10,932,417.00. What the Plaintiff now seeks is a final judgment. The sum is set out in the various certificates which were issued on diverse dates which are not itemised in the application. I shall therefore award interest at 14% per annum from the date of the application, that is, 20th April 2021.
4. I therefore allow the application dated 20th April 2020 on the following terms and order that a final decree shall issue as follows:
- a. That judgment be and is hereby entered for the Plaintiff against the Defendant as follows:
- i. Kshs. 28,913,932.40 with interest thereon at 14% p a from 14th July 2020 until payment in full.
- ii. Kshs. 10,932,417.00 with interest thereon at 14% p a from 20th April 2021 until payment in full.
- b. The Defendant shall bear the costs of the application and suit.

DATED AND DELIVERED AT NAIROBI THIS 21ST DAY OF SEPTEMBER 2021.

D.S. MAJANJA

JUDGE

Court Assistant: Mr M. Onyango

Mr instructed by Oyugi and Company Advocates for the Plaintiff

