



Peter Gachuhi & Company Advocates v Kimuri Housing Company Limited & another (Environment and Land Miscellaneous Application E065 of 2024) [2025] KEELC 6638 (KLR) (26 September 2025) (Ruling)

Neutral citation: [2025] KEELC 6638 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E065 OF 2024
TW MURIGI, J
SEPTEMBER 26, 2025

BETWEEN

PETER GACHUHI & COMPANY ADVOCATES APPLICANT

AND

KIMURI HOUSING COMPANY LIMITED 1ST RESPONDENT

MARGARET WAMBUI NGUGI 2ND RESPONDENT

RULING

1. Before me for determination is the Notice of Motion application dated 27th January 2025, brought under Order 51 Rule 1 of the Civil Procedure Rules, Sections 1A and 3A of the [Civil Procedure Act](#), Section 51(2) of the [Advocates Act](#), Cap 16 Laws of Kenya, and Rule 7 of the Advocates Remuneration Order, in which the Applicant seeks the following orders:-
 - a. That Judgment be entered in favour of the Applicant/Advocate against the Respondent in the sum of Kenya Shillings Four Million Fifty Two thousand and eight (4,052,088/=) being the certified costs due to the Applicant against the Respondents
 - b. That the Respondent do pay to the Applicant the costs of this application together with interest on the taxed sum to be assessed by the Honourable Court.
 - c. That the Respondents be ordered to pay interest on the taxed costs from the date of judgment till payment in full at the rate of 14% per annum.
2. The application is premised on the grounds appearing on its face together with the supporting affidavit of Peter Gachuhi, Advocate, sworn on even date.



The Applicant's Case

3. The deponent averred that the Respondent engaged their firm to handle their case, specifically NAIROBI ELC No. E095 OF 2021, but subsequently declined to pay their legal fees.
4. That subsequently, the Applicant filed a bill of costs dated 25th March 2024.
5. He further stated that the matter was subjected to taxation, and consequently, the Bill of Costs was taxed on 24th July 2024 at Kshs. 4,052,088/= all inclusive. He stated that the Respondents were served with the certificate of taxation but refused to honor it.
6. Though duly served, the Respondents did not file any response to the application.

Analysis and Determination

7. Having considered the application and the supporting affidavit, the only issue for determination is whether judgment should be entered in favor of the Advocate/Applicant in accordance with the Certificate of Taxation dated 7th August, 2024.
8. Section 51(2) of the *Advocates Act* provides as follows:

“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.”
9. In the case of *Lubulellah & Associates Advocates v N.K. Brothers Limited* [2014] eKLR, the court held that:

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of costs, and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter judgment. An applicant is not required to file suit for the recovery of costs.”
10. In the matter at hand, the Applicant has demonstrated the existence of an Advocate-Client relationship with the Respondent. The Advocates-Client bill of costs dated 25th March 2024 was taxed at Kshs. 4,052,088/=. A Certificate of Taxation was issued on 7th August 2024, and to date, it has not been set aside or varied. Based on the foregoing, I find no reason to deny the Applicant the judgment sought.
11. Regarding the issue of interest, I have considered the provisions outlined in Rule 7 of the Advocates Remuneration Order, which provide as follows:

“An Advocate may charge interest at 14% 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, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full.”



12. In the case of Kerongo & Company Advocates vs Africa Assurance Merchant Co. Ltd (2019) eKLR, the court held that: -

“ An Advocate who does not provide proof that he had raised the issue of interest before the amount in the Bill of Costs has been paid or tendered in full will not be paid the interest chargeable under Rule 7 of the Advocates Remuneration.

13. The Advocates have not shown that they raised the issue of interest and therefore, they are not entitled to an interest rate of 14% per year.

14. In the end, I find that the application dated 27th January 2025 is merited and the same is hereby allowed in the following terms:-

- a) Judgment is hereby entered for the Applicant against the Respondent in the sum Kshs. 4,052,088/= in terms of the Certificate of Taxation issued on 7th August, 2024.
- b) The Applicant is awarded costs of the application.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 26TH DAY OF SEPTEMBER 2025.

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HON. T. MURIGI

JUDGE

In the Presence of: -

Gachuhi for the Applicant

Court Assistant- Ahmed

