



Kinyanjui Njuguna & Advocates v Corporate Insurance Company Limited (Civil Miscellaneous Application E003 of 2024) [2025] KEHC 13271 (KLR) (26 September 2025) (Ruling)

Neutral citation: [2025] KEHC 13271 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CIVIL MISCELLANEOUS APPLICATION E003 OF 2024
GL NZIOKA, J
SEPTEMBER 26, 2025**

BETWEEN

KINYANJUI NJUGUNA & ADVOCATES ADVOCATE

AND

CORPORATE INSURANCE COMPANY LIMITED CLIENT

RULING

1. By a notice of motion application dated; 7th May 2025, brought under the provisions of; Order 2 Rule 2 of the Civil Procedure Rules, Section 51 (2) Advocates Act, Order 9 of the Advocates Remuneration Order, the applicant is seeking for the following orders:
 - a. That the Honorable Court be pleased to consolidate the instant matter with;
 - I. Naivasha High Court Miscellaneous application number E110 of 2024,
 - II. Naivasha High Court Miscellaneous application number E002 of 2024,
 - III. Naivasha High Court Miscellaneous application number E006 of 2024.
 - b. That pursuant to Order (a) above, the Honorable Court be pleased to enter judgment/decree for Kshs 290,204 as tabulated hereunder
 - I. Naivasha High Court Miscellaneous application number E003 of 2024, Kshs 70,225, Naivasha
 - II. High Court Miscellaneous application number E110 of 2024, Kshs 61,727,
 - III. Naivasha High Court Miscellaneous application number E002 of 2024, Kshs 79,126,
 - IV. Naivasha High Court miscellaneous application number E006 of 2024, Kshs 79,126,Total sum Kshs 290,204.



- c. That interest be provided for at 14% per annum from 9th May 2024 until payment in full.
 - d. That the cost of the application be awarded to the applicant.
2. The application is supported by the grounds thereto and an affidavit sworn by Kinyanjui Theuri an Advocate of the High Court practising in the applicant's firm.
 3. He avers that the applicant's bill of costs in the captured matters has since been taxed and certificates of taxation drawn, signed and issued. That the respondent has continuously neglected and/or failed to pay the legal fee which is duly earned despite demands and notice to them.
 4. That an Advocate is legally entitled to fees duly earned in the course of the service in line with the [Advocate's Remuneration Order](#). Further, the respondent does not dispute on payment of the fees.
 5. That the instant application is made in the sole interest of justice and if the court fails to grant the order sought herein, the applicant is likely to suffer gross prejudice as the respondent is facing a liquidity problems and therefore the recovery of funds herein is in jeopardy.
 6. The application was considered by the court on 16th June 2025, wherein it was ordered that the same be served for further directions on 2nd July 2025. On that date, the court was informed that the respondent had been served with the application and an affidavit of service filed. The matter was stood over to 18th July 2025.
 7. On that date, the respondent was not in court and the application was canvassed orally by the applicant. The matter was set aside for further directions and/or an order that the decision would be delivered on notice.
 8. The application is considered in the light of the materials placed before the court and noted that the applicant has annexed on the affidavit in support of the application certificates of taxation in respect of; High Court Miscellaneous Applications No(s):
 - a. E003 of 2024 ----- Kshs 70,225
 - b. E0E110 of 2024-----Kshs 61,727
 - c. E002 of 2024 -----Kshs 79,126
 - d. E006 of 2024-----Kshs 79,226.
 9. The first two certificates are dated; 16th December 2024. The third certificate is dated; 18th December 2024 and the last is dated; 24th March 2024.
 10. In addition, the applicant has annexed to the affidavit, demand notices dated, 7th May 2025, sent to the respondent in respect of matter; Small Claims Court Case No(s) 057, 059, 058 and 055 all of 2023, in which the applicant was instructed to act in.
 11. The application was considered on 16th June, 2025 and ordered served for directions on 2nd July, 2025. On that date the court was informed that the respondent was served with the application and hearing notice but was not in court.
 12. The respondent having failed to respond to the application the application is treated as being unopposed.
 13. Be that as it may, it is considered in the light of provisions of section 51 (2) of the [Advocates Act](#). Notably there's no dispute on retainer and neither have the certificates herein been varied or set aside. The certificates are evidence of the certified amount.



14. Consequently, I find that there's no justifiable cause not to allow this application. It is allowed as prayed hence judgment is entered in favour of the applicant in the sum of Kshs 290,204.00 plus interest at 14% from the date of demand being; 7th May 2025 until payment in full. The costs of this application are awarded to the applicant,

15. That then is the order of the court.

DATED, DELIVERED AND SIGNED ON THIS 26TH DAY OF SEPTEMBER, 2025

GRACE L NZIOKA

JUDGE

