



**Kakhula t/a AS JS Kakhula & Company Advocates v Trident
Insurance Company Ltd (Miscellaneous Application E004 of 2023)
[2025] KEHC 13306 (KLR) (25 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13306 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
MISCELLANEOUS APPLICATION E004 OF 2023
GL NZIOKA, J
SEPTEMBER 25, 2025**

BETWEEN

**ANDREW KAKHULA T/A AS JS KAKHULA & COMPANY
ADVOCATES APPLICANT**

AND

TRIDENT INSURANCE COMPANY LTD RESPONDENT

RULING

1. By a Notice of Motion application dated 25th September 2023, brought under the provisions of Section 51 (2) of the *Advocates Act*, and all other enabling provisions of the law, the applicant is seeking for the following orders: -
 - a. Judgment in the taxed sum of Kshs 102, 200 to be entered against the respondent.
 - b. The applicant be awarded interest of 9% per annum from 20 July 2023, on the judgment sum.
 - c. Costs of this application be provided for.
2. The application is supported by the grounds on the face of it and an affidavit of even date sworn by Dr. Andrew B. Kakhula. He avers that the respondent instructed the applicant to act for its insured in a Civil Case No. E004 of 2019, filed at the Engineer Principal Magistrate's Court.
3. That the applicant acted accordingly and filed Advocate-Client Bill of Costs which was taxed in the sum herein and a Certificate of Taxation issued.
4. However, despite the respondent having been represented in the taxation and advised of the taxed costs, the respondent has not taken any steps to pay the taxed costs in question.



5. That the respondent's conduct unequivocally shows that it does not intend to settle the taxed costs and in the circumstances, judgment ought to be entered for the taxed costs under the relevant provisions of the law.
6. Upon filing of the application, the court ordered that the same be served for hearing. Subsequently, the matter was fixed for hearing on 8th July 2025.
7. On that date, the applicant was represented by the learned counsel Ms. Ataka while there was no appearance for the respondent. The court was informed that the respondent had been served with the hearing notice and an affidavit to that effect filed. The court then ordered that the matter will be considered on the documents filed in court and the decision transmitted to the parties.
8. Pursuant thereto, it is evident from certificate of taxation dated 15th July 2023 and annexed to the affidavit in support of the applicant that indeed the bill of costs was taxed in the said sum. There is no evidence that there is a dispute to the retainer and neither is there any evidence that the Certificate in question has been varied and/or set aside. Furthermore, the application is not opposed.
9. Consequently, I allow the application as prayed for save that interest will be applied on the taxed sum as provided for under the law. Costs to the applicant.

DATED, DELIVERED AND SIGNED ON THIS 25TH DAY OF SEPTEMBER, 2025.

GRACE L NZIOKA

JUDGE

