



**V Chokaa & Co Advocates v Mwangi (Environment and Land Case  
200 of 2009) [2025] KEELC 6234 (KLR) (24 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6234 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS  
ENVIRONMENT AND LAND CASE 200 OF 2009  
NA MATHEKA, J  
SEPTEMBER 24, 2025  
IN THE MATTER OF: THE ADVOCATES ACT CAP 16 LAWS OF KENYA  
AND  
IN THE MATTER OF: THE TAXATION COSTS BETWEEN ADVOCATES AND CLIENT  
AND  
IN THE MATTER OF: MACHAKOS ELC 200 OF 2009  
BETWEEN  
V CHOKAA & CO ADVOCATES ..... APPLICANT  
AND  
AGNES WAITHERA MWANGI ..... RESPONDENT**

**RULING**

1. The application is dated 15<sup>th</sup> May 2025 and is brought under Section 51[2] of the [Advocates Act](#) Cap. 16 Laws of Kenya, Rule 7 of the [Advocates Remuneration Order](#), Order 36 Rule [1] [a] of the [Civil Procedure Rules](#) and Section 3[a] of the [Civil Procedure Act](#) seeking the following orders;
  1. That Judgment be entered for the Applicant as against the Respondent in the sum of Kshs. 142,128/= in accordance with the Certificate of Taxation of Costs filed with the Plaintiff.
  2. That Respondent to pay the Applicant the said sum together with interest therein at 14% per annum with effect from 14<sup>th</sup> June, 2024 until payment in full.
2. It is made on the grounds that the cost of this Application be paid for by the Defendant/Respondent. The sum of Kshs. 142,128/= is the amount taxed costs for professional work done by the Plaintiff for the Respondent. The said taxed costs neither been set aside nor altered by this court. Under Section 51[2] of the [Advocates Act](#), the Applicant as an Advocate has the right to have the Judgment entered



in his favour for the costs even without filing the suit for recovery. This suit for recovery of the taxed costs. The Defendant has no defence to the claim by the Plaintiff for his taxed costs.

3. I have perused the application and find that this Honourable Court lacks jurisdiction to hear and determine the said application as it offends the provision of Section 51 [2] of the *Advocates Act* since the taxation was not in relation to Advocate-Client Bill of Costs. The said section provides:

“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.”

4. The Applicant’s Notice of Motion Application dated 15<sup>th</sup> May 2025 is therefore incurably defective, bad in law and is incompetent and the Applicant ought to follow the normal execution procedures through the Deputy Registrar. The decision by the Deputy Registrar is final in a Party to party bill of costs unless set aside which is not the case in the instant case. The court cannot issue a judgement on party to party bill of costs as stated above. The application is not merited and is dismissed with no orders as to costs as the same is undefended.

5. It is so ordered.

**DELIVERED, DATED AND SIGNED AT MACHAKOS THIS 24<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**N.A. MATHEKA**

**JUDGE**

