



**Gazemba Wekesa & Company Advocates v Trident Insurance Company Limited (Miscellaneous Civil Application E001 of 2025) [2025] KEHC 14149 (KLR) (9 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14149 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
MISCELLANEOUS CIVIL APPLICATION E001 OF 2025  
RN NYAKUNDI, J  
OCTOBER 9, 2025**

**BETWEEN**

**GAZEMBA WEKESA & COMPANY ADVOCATES ..... APPLICANT**

**AND**

**TRIDENT INSURANCE COMPANY LIMITED ..... RESPONDENT**

*(Being an application by Messrs. Gazemba Wekesa & Co. Advocates, for taxation of Advocate-Client cost against the Respondent as the representative in Eldoret CMCC No. 590 of 2020: Levi Kiptoo vs Moses Kipleil Ndiema)*

**RULING**

1. Before this Court is a notice of motion dated 6<sup>th</sup> day of October 2025 where the Applicant sought for the following orders:
  - a. That this application be certified urgent and service thereof be dispensed with in the first instance.
  - b. That the Court be pleased to enter Judgment against the Respondent on the amount of Kshs 202,275/= certified on the Certificate of Taxation herein dated 11<sup>th</sup> August 2025.
  - c. That pursuant to Paragraph 7 of the Advocates (Remuneration) Order 1962, this Honourable Court be pleased to issue interest at the rate of 14% per annum from 20<sup>th</sup> March 2025 until payment in full.
  - d. That the costs of this application be provided for.
2. Which application is predicated upon the annexed affidavit of Joshua Mbugua Loshorua premised on the following grounds:



- a. That the Advocate-Client Bill of costs herein has been taxed and a Certificate of Taxation issued thereon.
  - b. That the Applicant wishes to proceed and realize the costs taxed herein by way of execution hence Judgment and Decree are required therefrom.
  - c. That it is just and fair that orders sought herein be granted.
3. The application is supported by the affidavit sworn by Joshua Mbugua Loroshua who depones as follows:
- a. That I am an Advocate of the High Court of Kenya practicing as such in the name and style of Gazemba Wekesa & Co. Advocates, the Applicant herein, seized of the facts herein hence competent to swear this affidavit.
  - b. That the Applicant filed and served the Respondent with the Advocate-Client Bill of Costs together with taxation Notice and/or directions issued by the Taxing Master.
  - c. That the Advocate-Client Bill of Costs dated 14<sup>th</sup> January 2025 was taxed by the Taxing Master, Hon. D. O. Mbeja on 10<sup>th</sup> July, 2025 at a sum of Kshs 202,275.
  - d. That despite the Respondent being reminded to settle the taxed sum, it has refused and/or neglected to make any payment.
  - e. That the Applicant wishes to proceed and realize the costs awarded in the taxation.
  - f. That the Applicant thus urges that the judgment entered upon the sums certified in the Certificates of Taxation do attract interest at the rate of 14% per annum from 20<sup>th</sup> March 2025 which is the date after one-month expiration after the delivery and/or service of the Advocate-Client Bill of Costs to the Respondent.
  - g. That retainer is not in dispute and the certificates of taxation have not been challenged hence this a proper case for entering of judgment.
  - h. That it is in the interest of justice and fairness that the Orders sought in the application filed herewith be granted.

### **Decision**

4. The Court's discretion to enter judgment refers to the Judge's freedom to make a final decision in a case based on the law and facts, and this discretion is not unfettered but is guided by legal principles and previous Court decisions. It is a fundamental requirement of common law that reasons for judgment or ruling be given by the Judicial Officer. Thomas J in *Bell-booth v Bell-Booth* put it succinctly when he rendered himself as follows:

“Reasons for judgment are a fundamental attribute of the common law. The affinity of law and reason has been widely affirmed and Judge's reasoning is or her reasons for the decision – is a demonstration of that close assimilation. Arbitrariness or the appearance of arbitrariness is refuted and genuine cause for lasting grievances is averted. Litigants are assured that their case has been understood and carefully considered. If dissatisfied with the outcome, they are able to assess the wisdom and worth of exercising their rights of appeal. At the same time public confidence in legal system and the legitimacy and dynamic of the common law



is enhanced. The legal system can be seen by (sic) working and, although possibly at times imperfectly, striving to achieve justice according to law.”

5. The affidavit evidence is very clear and is further supported by the record including the ruling of the Tax Master which for purpose of this decision is reiterated as follows:

“As stated earlier the correct applicable provisions for taxing the itemized party and party bill of costs is Schedule VII of the Advocates (Remuneration) (Amendment) Order, 2014. Pursuant to Schedule of the Advocates (Remuneration) (Amendment) Order 2014 this Court satisfied that the bill is drawn to scale save for he items taxed off respectively above all circumstances considered. Al the other items, are drawn to scale and I shall not upset them. In the opinion of the Court the bill is considered in line with Article 159 (d) of the Constitution which provides for the administration of justice without due regard to procedural technicalities. Cumulatively Kshs 109,093 is taxed off and the bill is assessed at a total of Kshs 202,275 all circumstances considered. Parties at liberty to apply.

6. For these reasons I allow the application dated 6<sup>th</sup> October 2025 and do hereby enter judgment against the Respondent on the amount of Kshs 202,275/= certified on the Certificate of Taxation herein dated 11<sup>th</sup> August 2025. In the same strength pursuant to Paragraph 7 of the Advocates (Remuneration) Order interest at the rate of 14% per annum accrues from 20<sup>th</sup> March 2025 until payment in full.
7. It is so ordered.

**DATED, SIGNED AND DELIVERED VIA CTS AT ELDORET THIS 9<sup>TH</sup> DAY OF OCTOBER 2025.**

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**R. NYAKUNDI**  
**JUDGE**

