



Njoki Njogu & Co Advocates v Kenyan Insurance Co Ltd (Civil Miscellaneous Application E029 of 2025) [2025] KEHC 13996 (KLR) (3 October 2025) (Ruling)

Neutral citation: [2025] KEHC 13996 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL MISCELLANEOUS APPLICATION E029 OF 2025
DO CHEPKWONY, J
OCTOBER 3, 2025**

BETWEEN

NJOKI NJOGU & CO ADVOCATES APPLICANT

AND

THE KENYAN INSURANCE CO LTD RESPONDENT

RULING

1. What is before this court for determination is the Notice of Motion application dated 4th June, 2025, wherein the Applicant/Advocates is seeking the following orders:-
 - a. Judgment be hereby entered in favour of the Applicant, Njoki Njogu & Co Advocates for Kshs.231,786/=.
 - b. Interest be hereby granted on prayer No.(1) herein above at court rates from 21st May, 2025 until full settlement.
 - c. Costs in the Applicant's favour.
2. The application is based on the grounds as set out on its face and the Supporting Affidavit of Catherine Njogu sworn on the instant date, wherein the Applicant has deponed that it filed and served upon the Respondent, a Bill of Costs and Notice of Taxation dated 19th February, 2025 in relation to Kiambu MCCC No.E054 of 2021, Paul Gitau Murima –vs- Radha Motors Ltd & James Njau which bill was taxed off and on 21st May, 2025, a Certificate of Taxation thereof was subsequently issued. That this Certificate of Taxation has neither been set aside, altered nor challenged in court to date. In support thereof, the Applicant has attached a copy of the said Certificate of Taxation as Exhibit 'CN-1'.
3. This application was served upon the Respondent and an Affidavit of Service sworn by James Muchiri Gachuki on 28th August, 2025 to confirm service duly filed. However, the Respondent has neither filed



any response or attended court in this regard. Be that as it may, this Court has a duty to consider and determine the merits of the application.

4. To consider the prayers sought in the Notice of Motion application dated 4th June, 2025 for determination, I have read through the Supporting Affidavit thereof, record of proceedings herein alongside the provisions of the law under Order 51 Rule 1 of the Civil Procedure Rules 2010 and Section 51(2) of the *Advocates Act*, Cap 16 of the Laws of Kenya.

Determination

5. It is the Applicant's case that her Firm, Njogu & Company Advocates represented the Respondent, insured in the case of Limuru MCCC No.E233 of 2021, Paul Nduati Kanyua –vs- Dennis Mathenge but it has failed to pay her legal fees. The Applicant then filed a Bill of Costs and vide a Ruling dated 21st May, 2025, the Deputy Registrar assessed the same at Kshs. 231,786/= . A Certificate of Taxation dated 21st May, 2025 was subsequently issued to that effect.
6. Order 51 Rule 1 of the Civil Procedure Rules provides that:-
[Order 51, Rule 1.] Procedure.
 1. All applications to the court shall be by motion and shall be heard in open court unless the court directs the hearing to be conducted in chambers or unless the rules expressly provide.
7. Section 51(2) of the *Advocates Act* states that:-
 - “ 51. General provisions as to Taxation
 - (1)
 - (2) 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.
8. It is trite law that once the Taxing Officer taxes costs and issues a Certificate of Taxation, and the opposing party failed to file a reference seeking to either set it aside or even alter it, then the court is obligated to enter Judgment against it/him/her in terms of the said Certificate. On this, the court is further guided by the decision in the case of Lubulellah & Associates, Advocates –vs- N. K. Brothers Limited [2014] eKLR, where the Court stated as follows:-
 - “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. The Certificate of costs is final as to the amounts of the costs and the court would be quite in order to enter Judgment in favour of the Applicant against the Respondent herein for the taxed sum indicated in the Certificate of Taxation that was issued on 25th November, 2012.”



9. In the instant case, the Respondent has not filed a reference or response to the application, thus court finds that the application herein has met the legal threshold required as laid down by the law. Being unchallenged, the application is allowed in the following terms:-
- a. That Judgment be and is hereby entered in favour of the Applicant against the Respondent for the sum of Kenya Shillings Two Hundred and Thirty One Thousand, Seven Hundred and Eighty Six (Kshs.231,786/=) being the assessed costs due to the Applicant as against the Respondent pursuant to the Certificate of Taxation dated 21st May, 2025.
 - b. That the Respondent to pay the Applicant the costs of this application together with interest on the assessed amount at court's rate of 14% per annum from 21st May, 2025 until payment in full.

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 3RD DAY OF OCTOBER , 2025.
(UPLOADED VIA ELECTRONIC MAIL).**

D. O. CHEPKWONY

JUDGE

