

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISUMU
MISC. CIVIL APPLICATION NO. E073 OF 2025
IN THE MATTER OF TAXATION OF COSTS BETWEEN ADVOCATE
AND CLIENT

BETWEEN

V. CHOKAA & CO. ADVOCATES APPLICANT

- VERSUS -

DANIEL WAKABA MACHARIA 1ST RESPONDENT

EAST AFRICA INSTITUTE

OF CERTIFIED STUDIES 2ND RESPONDENT

SERAH WANJIRU MACHARIA 2ND RESPONDENT

R U L I N G

1. By a Motion on Notice dated **20/6/2025**, the Advocate applied for Judgment for **Kshs. 35,600/-** against the respondents. The Motion was brought under *section 51 (2) of the Advocates Act, Cap 16 Laws of Kenya, Rule 7 of the Advocates Remuneration Order, Section 3 (A) of the Civil Procedure Act and Order 3 Rule (1) (a) of the Civil Procedure Rules.*
2. The basis for the Motion was that it was in terms of a Certificate of Costs dated **11/6/2025**. The Advocate also sought interest at the rate of 14% per annum from **5/5/2025** until payment in full.

3. In the Supporting affidavit sworn by **Dr. Vincent Chokaa** on **20/6/2025**, it was averred that his firm was instructed to undertake legal work by the respondents but was never paid fees for Professional Services.
4. The bill of costs for the fees was taxed on **4/6/2024** and a Certificate of Costs for **Kshs. 35,600/-** was issued on **11/6/2025**. That the Certificate of Taxation has neither been set aside nor altered in any way.
5. I have considered the record. I have seen a copy of the Certificate of Taxation dated **11/6/2025**. It is for **Kshs. 35,600/-**.
6. **Section 51(2) of the Advocates Act** 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.”
7. From the foregoing, it is clear that an Advocate is entitled to judgment on the amount certified after a taxation of an advocate-client bill of costs. That certificate must not have been varied or set aside.
8. The Motion dated **20/6/2025** was not opposed.

9. On the 14% interest, this is awardable from 30 days after service of a fee note by an advocate upon his client. In this case, it was contended that the interest of 14% is due with effect from the **5/5/2025**. The Court notes that that is the date of the bill of costs. Interest will accrue 30days from the date of service of that bill, which in this case, the Court will deem to be **5/6/2025**. In this regard, the time for interest will run from **5/6/2025**.
10. Accordingly, I allow the application. Judgment is entered for the applicant/advocate against the respondents/client for **Kshs. 35,600/-** together with interest at 14% p.a from **5/6/2025** until payment in full.

It is so ordered.

DATED and **DELIVERED** at Kisumu this **9th** day of **October, 2025**.

A. MABEYA, FCI Arb
JUDGE