



**Lawrence M Mbabu and Associates Advocates v Kimuri Housing Company Limited & another (Environment and Land Miscellaneous Application E208 of 2022) [2025] KEELC 7697 (KLR) (31 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 7697 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**  
**ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E208 OF 2022**  
**TW MURIGI, J**  
**OCTOBER 31, 2025**

**BETWEEN**

**LAWRENCE M MBABU AND ASSOCIATES ADVOCATES ..... APPLICANT**

**AND**

**KIMURI HOUSING COMPANY LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**MARGARET WAMBUI NGUGI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. Before me for determination is the Notice of Motion application dated 14<sup>th</sup> January 2025, brought under Section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya, Sections 1A, 1B and 3A of the *Civil Procedure Act*, Order 22 Rules 1(b), Order 23(1) and (2) and Order 51 Rule 1 of the Civil Procedure Rules in which the Applicant seeks the following orders:-
  - a. That the Honourable Court be pleased to convert the certificate of costs dated 20<sup>th</sup> March 2024 and issued on 4<sup>th</sup> April 2024 in the sum of Kenya Shillings Eighty Five Million, Five Hundred and Sixty Three Thousand Seven Hundred and Seventy Nine and Twenty Cents (Kshs 85,563,779.20/=) into a decree and judgment of this Honourable Court.
  - b. That the decretal sum be paid by the Respondents; Kimuri Housing Company Limited and Margaret Wambui Ngugi to the Applicant with interest therein from 20<sup>th</sup> March 2024 until payment in full.
  - c. That the costs of this application be borne by the Respondents.
2. The application is premised on the grounds appearing on its face together with the supporting affidavit of Lawrence Muriithi Mbabu, Advocate, sworn on even date.



## The Applicant's Case

3. The deponent averred that they filed their Advocate Client Bill of Costs dated 26<sup>th</sup> September 2022. He further averred that the ruling of the bill was delivered on 20<sup>th</sup> March 2024 and that later, a certificate of costs was issued on 27<sup>th</sup> March 2024. He urged the court to allow the application as prayed.
4. The application was canvassed by way of written submissions. The Applicant filed its submissions dated 10<sup>th</sup> August which I have duly considered.

## Analysis And Determination

5. Having considered the application and the supporting affidavit, the only issue for determination is whether judgment should be entered in favor of the Advocate/Applicant in accordance with the Certificate of Taxation issued on 27<sup>th</sup> March 2024.
6. Section 51(2) of the *Advocates Act* provides as follows:

“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. In the case of *Lubulellah & Associates Advocates v N.K. Brothers Limited* [2014] eKLR, the court held that:

“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.”
8. In the matter at hand, the Applicant has established the existence of an Advocate-Client relationship with the Respondent. The Advocates-Client bill of costs dated 26<sup>th</sup> September 2022 was taxed at Kshs. 85,563,779.20/=. A Certificate of Taxation was issued on 27<sup>th</sup> March 2024, and to date, it has not been set aside or varied. Based on the foregoing, I find no reason to deny the Applicant the judgment sought.
9. Regarding the issue of interest, I have considered the provisions outlined in Rule 7 of the Advocates Remuneration Order, which provides as follows:

“An Advocate may charge interest at 14% per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full.”
10. In the case of *Kerongo & Company Advocates vs Africa Assurance Merchant Co. Ltd* (2019) eKLR, the court held that: -

“An Advocate who does not provide proof that he had raised the issue of interest before the amount in the Bill of Costs has been paid or tendered in full will not be paid the interest chargeable under Rule 7 of the Advocates Remuneration.



11. The Advocates have not shown that they raised the issue of interest, and therefore, they are not entitled to an interest.
12. In the end, I find that the application dated 14<sup>th</sup> April 2025 is merited and the same is hereby allowed in the following terms:-
  - a) Judgment is hereby entered for the Applicant against the Respondent in the sum Kshs. 85,563,779.20/= in terms of the Certificate of Taxation issued on 27<sup>th</sup> March 2024.
  - b) The Applicant is awarded costs of the application.

**RULING DATED, SIGNED, AND DELIVERED VIRTUALLY THIS 31<sup>ST</sup> DAY OF OCTOBER 2025 .**

.....

**HON. T. MURIGI**

**JUDGE**

In The Presence Of: -

The absence of the parties

Ahmed- Court Assistant

