

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL DIVISION**

**MISCELLANEOUS CIVIL CASE NO. 40 OF 2020**

**IBRAHIM ISSACK AND COMPANY ADVOCATES...**

**.....PLAINTIFF**

**=VERSUS=**

**MONARCH INSURANCE COMPANY LIMITED.....**

**.....DEFENDANT**

**RULING**

1. This Ruling is on the Applicant's Motion dated 3<sup>rd</sup> September 2024. The same which is brought under Section 51(2) of the Advocates Act (Cap 16 Laws of Kenya, is supported by the Supporting Affidavit of FRED KONDO ATHUOK. In its prayers, it has stated as follows: [verbatim]

**(Prayer 1)**

**“That this Honourable Court be pleased to convert the Certificate of Costs issued by this Court into a Decree and Judgment be entered for the Advocate/Applicant accordingly in terms of the Certificate of Costs together with costs and interest at 14% per annum from the taxation date till payment in full.”**

**(Prayer 2)**

**“That costs of this Application be awarded to the Applicant.”**

2. It is clear that while this Application is seeking Judgment and Decree in terms of a Certificate of Taxation, it has not stated the amount for which the Judgment and Decree are sought. Neither has it stated the name of the Taxing Officer, the date of the Certificate, nor the amount in it.
3. These are grave omissions that go to the root of this Application, hence rendering it fatally defective and irredeemably incompetent. They are fundamental errors rather than procedural errors. In litigation, good draftsmanship is a virtue.
4. For these errors, I have no hesitation in dismissing this Application, and I hereby dismiss it accordingly. As the Application was not defended, there shall be no order as to costs.

**DATED and DELIVERED at NAIROBI on this 23<sup>rd</sup> day of October 2025.**

**PROF (DR) NIXON SIFUNA  
JUDGE**