

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**MISCELLANEOUS APPLICATION NO. E038 OF 2024**

**OCHARO KEBIRA & COMPANY, ADVOCATES.....**  
**APPLICANT**

**VERSUS**

**AFRICA MERCHANT ASSURANCE COMPANY LIMITED.....**  
**RESPONDENT**

**RULING**

1. I am invited to determine a Motion, dated 10<sup>th</sup> April 2025. It seeks entry of judgement for Kshs. 131,888.00, with interest at 14% and costs of Kshs. 50,000.00. A certificate of costs is attached, dated 15<sup>th</sup> August 2025.
2. The application is opposed by the respondent, who raises issues with errors made by the taxing officer, specifically pointing out there were no instructions given to the applicant to act.
3. What is before me is not a reference, but an application to enter judgement. I, accordingly, enter judgement as prayed, save that the costs are awarded at Kshs. 3,000.00. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT  
BUSIA, ON THIS 31<sup>ST</sup> DAY OF OCTOBER 2025.**

**WM MUSYOKA**  
**JUDGE**

**Mr. Arthur Etyang, Court Assistant.**

**Advocates**

**Ms. Omolo, instructed by Eric Ntabo & Company, Advocates for the applicant.**

**Ms. Wamaitha, instructed by Nambafu & Okinyi Advocates LLP, Advocates for the respondent.**

