



Onsongo C/O Onsongo & Co. Advocates v Ochong'a (Civil Miscellaneous Application E129 of 2024) [2025] KEHC 14950 (KLR) (24 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14950 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL MISCELLANEOUS APPLICATION E129 OF 2024**

**A MABEYA, J
OCTOBER 24, 2025**

BETWEEN

**RICHARD B. O. ONSONGO C/O ONSONGO & CO.
ADVOCATES APPLICANT**

AND

DAVID ONSOMU OCHONG'A RESPONDENT

RULING

1. By a Motion on Notice dated 24/6/2025, the Advocate applied for Judgment for Kshs. 700,000/- against the respondent. The provisions under which the Motion was brought were not cited. It was presumably section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya.
2. The basis for seeking judgment was that it was in terms of a Certificate of Costs dated 8/7/2024. The Advocate also sought interest at the rate of 14% per annum from 8/7/2024 until payment in full.
3. In the Supporting affidavit sworn by Richard B. O. Onsongo on 24/6/2025, it was contended that the Advocates fees became due on 8/7/2024 when the certificate was made. That the advocate's bill of costs dated 22/3/2024 was taxed and allowed at Kshs.700,000/-.
4. That a Certificate of Costs for Kshs.700,000/- was issued on 23/6/2025. That it was therefore imperative that judgment be entered in terms thereof to enable the Advocate recover its costs.
5. I have considered the record. I have also considered the oral submissions of Mr. Onsongo. I have seen a copy of the Certificate of Costs dated 8/7/2024 and issued on 23/6/2025. It is for Kshs.700,000/.
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. Although there was no averment in the supporting affidavit that the Certificate of Costs dated 8/7/2024 had not been varied or set aside, the Court will presume that fact as the respondent did not respond to the application although served.
8. 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, there was no evidence that such a fee note was served and not paid. The Court will presume that the respondent received the itemized bill of costs that ended up in the taxed amount that were ascertained on 8/7/2024. That should be commencement date.
9. In this regard, the time for interest will run from that date, to wit 8/7/2024.
10. Accordingly, I allow the application. Judgment is entered for the applicant/advocate against the respondent/client for Kshs.700,000/- together with interest at 14% p.a from 8/7/2024 until payment in full.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 24TH DAY OF OCTOBER, 2025.

A. MABEYA, FCI Arb

JUDGE

