

REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
MISCELLANEOUS APPLICATION NO. E092 OF 2024

KIMYUA & MAINGI & CO. ADVOCATES

.....**APPLICANT**

VERSUS

TRIDENT INSURANCE CO. LIMITED.....

RESPONDENT

RULING

1. This is a Ruling over a Miscellaneous Application dated 21.7.2025. The Applicant sought relief that Judgement be entered for the Applicant against the Respondent in the sum of Ksh. 68,550/= being the sum taxed and certified by the Deputy Registrar on 14.7.2025 as due to the Applicant with interest thereon.

2. The Application arose from the Advocate/Client Bill of Costs dated 27.3.2024. Be it as may, the Court has already assessed costs at a specific figure, that is, Ksh. 68,550/=.

3. The Application is expressed to be brought under **Section 51 (2) of the Advocates Act**. The said Section 51(2) of the Advocates Act provides thus:

Pursuant to the provisions of Section 2 of the Advocates Act -

“Client’ includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, express or implied, to retain or employ an advocate and any person who is or may be liable to pay an advocate any costs.”

4. As a fact after filing of the Notice of Motion dated 21.7.2025, there does not appear to be active participation of the Respondent. In the case of **Musyoka & Wambua Advocates v Rustam Hira Advocate (2006) eKLR** it was held:-

“Section 51 of the Act makes general provisions as to taxation, as the marginal note indicates. One of those provisions is that the court has discretion to enter judgment on a Certificate of Taxation which has not been set aside or altered, where there is no dispute as to retainer. This in my view is a mode of recovery of taxed costs provided by law, in addition to filing of suit.....

5. The Applicant has done his part, serving the bill of costs, and other processes. I find no reason to disallow the Application.

Determination

6. I therefore make the following orders: -

- a) Judgment be and is hereby entered for the Applicant against the Respondent in terms of the Certificate of Costs dated 14.7.2025 for Ksh. 68,550/=.
- b) Interest thereon is awarded effective 14.8.2025 at 9%.

DELIVERED, DATED, and SIGNED at **NYERI** on this **20th** day of November **2025**. Ruling delivered physically in open court.

KIZITO MAGARE

JUDGE

In the presence of: -

Ms. Achieng for the Applicant

No Appearance for the Respondent

Court Assistant- Michael

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M.D. KIZITO, J.

ORIGINAL