

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISCELLANEOUS CIVIL APPLICATION NO. E 910 OF 2025

ORENGE J & ASSOCIATES ADVOCATES....

.....APPLICANT

VERSUS

DIRECTLINE ASSURANCE COMPANY

LTD.....RESPONDENT

RULING

1. This is Ruling on the Applicant’s Application dated 25th August, 2025. The same is a motion filed pursuant to Section 51 (2) of the Advocates Act (Cap 16 Laws of Kenya. It is based on the grounds listed in it, and supported by the Supporting Affidavit of JULIUS ORENGE Advocate; sworn on even date.
2. The Application is seeking judgment to be entered for the Applicant against his Client the Respondent, for the sum of Ksh 356,878/07, together with interest thereon at court rates, from 31st July 2025, in terms of “a Certificate of Taxation”. It has not stated the date of the Certificate. It has also not stated the name of the Taxing Office that issued it.
3. The Applicant is also seeking the Ksh 50,000= as the costs of this Application. The Application is proceeded without the Respondent. Who was duly served but did not file any response. The Application was canvassed orally.

Determination

4. I have perused the Application and the prayers therein. Nowhere in the prayers has the date of the subject Certificate of Taxation

been stated. Nowhere in the prayers has the name of the Taxing Officer been stated. There are therefore no particulars in the prayers, of the Certificate of Taxation to which this Application relates.

5. These are material omissions that make those prayers unavailable; as a party is bound by its pleadings. That is fundamental error that not only renders those prayers unavailable, but also for which this Application collapses.
6. This Application therefore fails, and is hereby dismissed with no order as to costs and with leave to file a fresh and compliant Application.

DATED and DELIVERED at NAIROBI on this 27th day of November 2025.

**PROF (DR) NIXON SIFUNA
JUDGE**