



AGN Kamau Advocates v Carling (Suing as administrator of the Estate of Mona Ingegard Bjorklund) (Miscellaneous Application E047 of 2022) [2025] KEHC 18172 (KLR) (Family) (5 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18172 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

MISCELLANEOUS APPLICATION E047 OF 2022

H NAMISI, J

DECEMBER 5, 2025

BETWEEN

AGN KAMAU ADVOCATES APPLICANT

AND

DANIEL CARLING (SUING AS ADMINISTRATOR OF THE ESTATE OF MONA INGEGARD BJORKLUND) RESPONDENT

RULING

1. The Applicant's Notice of Motion dated 5 November 2024 seeks the following orders:
 - i. Spent;
 - ii. That the Honourable Court be pleased to enter judgement for the Applicant against the Respondent for the sum of Kshs 908,936/= as appears on the Certificate of Taxation dated 11 October 2023 with interest from the date of the said Certificate of Taxation until payment in full;
 - iii. That the Applicant be allowed to execute the judgement herein against the Respondent;
 - iv. That the costs of this Application be borne by the Respondent
2. The Application is supported by the Affidavit of Allan George Njogu Kamau, Advocate. The Advocate/Client Bill of Costs filed on 9 February 2022 was taxed in the sum of Kshs 908,936/= and a Certificate of Taxation dated 10 October 2023 subsequently issued. No appeal has been filed against the said Certificate.
3. The Respondent did not participate in the Application.



4. In the case of *Musyoka & Wambua Advocates v Rustam Hira Advocate* (2006) eKLR it was held thus:

“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. Having read the Application and Supporting Affidavit, I am of the considered view that the same is merited. The Application is allowed and I make the following orders:

- i. Judgement is hereby entered for the Applicant against the Respondent in terms of the Certificate of Costs dated 10 October 2023 for Kshs 908,936/=.
- ii. Interest thereon is awarded at the rate of 14% per annum from 10 October 2023 until payment in full.
- iii. The Applicant is awarded costs assessed at Kshs 30,000/=.

DATED AND DELIVERED AT NAIROBI THIS 5 DAY OF DECEMBER 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: N/A

For the Respondent: N/A

Court Assistant: Lucy Mwangi

