

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NYERI**  
**CIVIL MISCELLANEOUS APPLICATION NO. E050 OF 2022**

**GAZEMBA WEKESA & CO. ADVOCATES ...**

**.....APPLICANT**

**VERSUS**

**TRIDENT INSURANCE CO. LIMITED**

.....**RESPONDENT**  
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**RULING**

1. This is a Ruling over a Miscellaneous Application dated 18.9.2025. The Applicant sought relief that judgment be entered for the Applicant against the Respondent in the sum of Ksh. 99,355/= being the sum taxed and certified by the Deputy Registrar on 17.7.2025 as due to the Applicant with interest thereon.
2. The application arose from the Advocate/Client Bill of Costs dated 19.7.2022. Be it as may the Court has already assessed costs at a specific figure, that is, Ksh. 99,355/=.
3. The application is expressed to be brought under Section 51 of the Advocates Act. Section 51(2) of the Advocates Act which 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 18.9.2025, there does not appear to be active participation of the Respondent. In the case of **Musyoka & Wambua Advocates v RustamHira 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

17.7.2025 for Ksh. 99,355/=.

b) Interest at 9% thereon is awarded effective 17.8.2025.

**DELIVERED, DATED and SIGNED at NYERI on this 17<sup>th</sup> day of December, 2025.** Ruling delivered through Microsoft Teams Online Platform.

**KIZITO MAGARE**  
**JUDGE**

**In the presence of: -**

No appearance for parties

Court Assistant - Michael