



**Messers Kairu & Mccourt Advocates v Jubilee Allianz General Insurance
Company Limited (Miscellaneous Civil Application E383 of 2024)
[2025] KEHC 18740 (KLR) (Civ) (19 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18740 (KLR)

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

CIVIL

MISCELLANEOUS CIVIL APPLICATION E383 OF 2024

SIFUNA NIXON, J

DECEMBER 19, 2025

BETWEEN

MESSERS KAIRU & MCCOURT ADVOCATES APPLICANT

AND

**JUBILEE ALLIANZ GENERAL INSURANCE COMPANY
LIMITED RESPONDENT**

RULING

1. This Ruling is on the Applicant's Motion dated 20th August 2024. The same which is brought under Section 51(2) of the *Advocates Act* (Cap 16 Laws of Kenya, is supported by the Supporting Affidavit of Valentine Mwendu Mulwa. It seeks the following prayers:
 - a. That this Honourable Court be pleased to enter judgment in favour of the Applicant against the Respondent for the sum of Ksh 102,344/60= being the taxed and certified costs payable to the Applicant by the Respondent.
 - b. That this Honourable Court award interest on the aforesaid amount of Ksh 102,344/60= at 14% p.a from 15th May 2025 the date of the award, until payment in full.
 - c. That this Honourable Court be pleased to issue a decree pursuant to the judgment and order in 1 and 2 above.
 - d. That costs of this Application be awarded to the Applicant.
2. It is clear that while this Application is seeking Judgment and Decree for taxed costs, it has not stated that there is a Certificate of Taxation, neither has it stated the amount in the Certificate, nor the Taxing Officer that issued the Certificate.



3. These are necessary material particulars on an Application of this nature. These are therefore grave omissions that go to the root of an Application of this nature. Hence rendering it fatally defective and irredeemably incompetent. They are fundamental errors rather than procedural errors. In litigation, good draftsmanship is a virtue.
4. For these errors, I have no hesitation in dismissing this Application, and I hereby dismiss it accordingly. As the Application was not defended, there shall be no order as to costs.

DATED AND DELIVERED AT NAIROBI ON THIS 19TH DAY OF DECEMBER 2025.

PROF (DR) NIXON SIFUNA

JUDGE

