

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT
NAIROBI
COMMERCIAL & TAX DIVISION
MILIMANI LAW COURTS
MISC APPL NO. E402 OF 2024

ABM ADVOCATES, LLP.
.....**APPLICANT**
(FORMERLY BRYAN MOTURI &
ASSOCIATES)

VERSUS

TRIDENT INSURANCE COMPANY
LIMITED.....
RESPONDENT

RULING

Judgment on certificate of costs

1.The applicant/ advocate filed the notice of motion dated 18th February 2025, seeking entry of judgement in its favour for **Kenya Shillings One Hundred and Eleven Thousand, Eight Hundred and Forty Two (Kshs. 111, 847/-) only** plus interest at court rates in terms of Certificate of Taxation dated 10th December, 2024.

2.The application is made under **Sections 1A, 1B, 3A 63 (e) of the Civil Procedure Act and Order 22 of the Civil Procedure Rules, 2010, Section 4(1), (2) and (3) of the Fair Administrative Action Act.**

3.The application is based on the grounds set out in its body and the annexed affidavit sworn by **Bryan Moturi**. The main grounds are:-

(1) **THAT the Respondent has not challenged the taxed amount nor filed any reference against the ruling of the Taxing Master.**

(2) **THAT the Respondent herein has failed and neglected to pay the stated amount even after several reminders to do so.**

(3) **THAT the Applicant/Advocate herein now prays for this Court to adopt the said Ruling as the final**

judgement of this Court regarding this matter in order to enable the Applicant recover the stated amount.

Analysis and Determination

4. The court has been asked to enter judgment for the applicant against the respondent in terms of the certificate of costs dated 10th December, 2024.

5. **Under Section 51(2) of the Advocates Act:-** a) 'The certificate of the taxing officer...shall unless it is set aside or altered by the court, be final as to the amount of the costs recovered thereby; and b) the court may make such order in relation thereto as it thinks fit, including where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.'

6.The applicant exhibited copies of the bill of costs dated 20th February 2024, the Taxation Ruling dated 15th October 2024 and the certificate of costs dated 10th December 2024.

7.The applicant also filed an affidavit of service sworn by **Juma Ogendi**, a licensed court process server, on 10th July 2025. The affidavit confirms that the notice of motion and the hearing notice dated 9th July 2025 were served upon the respondent via email on 9th July 2025.

8.Despite service, there was no response or reference filed by the respondent.

9.Where the requirements in section 52 of the Advocates Act have been satisfied, the court should enter judgment for the advocate on the basis of the certificate of costs. **Lubulellah & Associates**

Advocates v N K Brothers Limited
[2014] eKLR.

10.The court finds that all the requirements under section 52 of the Advocates Act have been met. Accordingly, I find that the request for judgment on the certificate of costs is merited.

Of interest

11.A claim of interest on the taxed costs will only be granted ‘from the expiration of one month from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full” **Rule 7 of the Advocates Remuneration Order**

12.The applicant filed an affidavit of service evidencing that the bill of costs dated 20th February 2024 was served upon the respondent on 10th July 2024.

The applicant has also shown that the amount of costs have not been paid. Thus, the applicant is entitled to interest from 10th August 2024.

Disposal

13. In conclusion, the application dated 18th February 2025 is allowed, in the following terms: -

- (1) **Judgment is entered in favour of the applicant against the respondent for KES. 111,847/- in terms of the Certificate of Taxation dated 10th December 2024, together with interest at 14% per annum from 10th August 2024 until payment in full.**
- (2) **Costs of the application are awarded to the applicant.**

Dated, signed and delivered at Nairobi this 22nd day of January, 2026 through Microsoft Teams online application

F. Gikonyo M

Judge

In the presence of:

Moturi for Applicant

No appearance by Respondent

CA - Godfrey