

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR  
RELATIONS COURT AT NAKURU  
MISCELLANEOUS APPLICATION NO. E021 OF 2024**

**BETWEEN**

M. KORONGO & COMPANY ADVOCATES .....APPLICANT

**VERSUS**

ISAAC KHANGULI MASWA ..... RESPONDENT

**RULING**

1. The Applicant represented the Respondent in **Nakuru E&LRC Cause No. 55 of 2018, Isaac Khaguli v. Leonard Githaiga t/a Gituamba Hotel.**
2. The Respondent withdrew instructions from the Applicant, who then filed his Bill of Costs, dated 15th May 2024, for taxation.
3. The Bill was taxed at Kshs. 82,500, on 19th February 2025. A certificate of costs, issued on 4th March 2025.
4. The Applicant, through the application dated 3rd July 2025, seeks that the certificate is adopted as a decree of the Court.
5. The application is founded on the affidavit of the Applicant, sworn 3rd July 2025.
6. It is opposed by the Respondent, through his affidavit sworn on 21st October 2025.

7. He states that the Applicant previously acted for him, but took more than 4 years without taking active steps in the matter, leading to the Respondent engagement of another Advocate.
8. According to the Respondent, the Applicant filed his Bill of Costs, being aggrieved with the change of Advocates.
9. He states that the Applicant did not serve him with the Bill of Costs. He was not aware of taxation. Taxation was a nullity, and the certificate of costs was irregular, and incapable of enforcement.
10. The Respondent submits that he has instructed his current Advocate to file reference, for setting aside of the taxed Bill of Costs.
11. Parties agreed to have the application considered and determined on the strength of their affidavits and submissions on record. They confirmed filing and exchange of submissions at the last appearance before the Court, on 27th November 2025.

**The Court Finds:-**

12. The Bill of Costs was taxed on 19th February 2025. It was filed way back on 29th May 2024.

13. There is evidence that leading to taxation, there was communication regarding the Bill, from the Applicant, and from the Court, involving both Parties.
14. One such communication is a notice of taxation issued by the Court to both Parties, dated 30th May 2024, which annexed the Bill of Costs for use by the Parties at the proposed taxation.
15. The Court does not doubt that the Taxing Officer looked into the issue of service, before taxation.
16. The Respondent acknowledges that he was represented by the Applicant, but seems to justify his reluctance in paying the Advocate his fees, on the ground that the Advocate delayed acting on his brief for over 4 years.
17. If his Advocate was negligent or unprofessional in discharge of his role, that should be an issue to be taken up by the Respondent at another forum. It cannot be a reasonable ground, to justify dishonouring of a certificate of costs, validly issued by the Court.
18. It is noted that no reference challenging the Bill which was taxed almost 1 year ago, has to-date been filed.
19. The Respondent instructed the Applicant way back on 17th October 2017, over 8 years ago. Why is he resisting meeting his legal obligation to his former Advocate, 8 years after instructing the Advocate?

20. The Court finds no reason not to accept the certificate of costs, as judgment / decree of the Court.

**IT IS ORDERED: -**

- a. The application dated 3rd July 2025 is allowed.***
- b. The certificate of costs dated 4th March 2025, in the sum of Kshs. 82,500 is adopted as judgment / decree of the Court.***
- c. No order on the costs of the application.***

Dated, signed and delivered electronically at Nakuru, under Rule 68 [5] of the E&LRC [Procedure] Rules, 2024, this 30th day of January 2026.

James Rika  
Judge

