

REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
HIGH COURT MISCELLANEOUS CIVIL APPL. 125 OF 2019

MURI MWANIKI & WAMITI ADVOCATES
APPLICANT

-VERSUS-

KENYA ORIENT INSURANCE LIMITED
RESPONDENT

RULING

1. This is a Ruling over a notice of motion dated 3.12.2025. The Applicant sought relief that a judgment be entered for the Applicant against the Respondent in the sum of Ksh. 201,522.16, the sum taxed and certified by the Deputy Registrar on 12/11/2025 as due to the Applicant with interest thereon. The applicant sought interest at 14% per annum from 17/2/2020, the date of service of the bill of costs.

2. The application had been served, but on the hearing date, the respondent indicated that they had no instructions and had filed an application of their own. They had not filed a reply affidavit. The new application was not in court or fixed for a hearing.

3. The application arose from the Advocate/Client Bill of Costs dated 4/12/2019. Be that as it may, the Court has already taxed at Kshs. 201,522.16.

4. The Application is expressed to be brought under Section 51 (2) of the Advocates Act. The said Section 51(2) of the Advocates Act 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.”

5. The respondent appeared keen to derail the application. However, the applicant went ahead and served their client and filed an affidavit of service on the client in addition to the advocates on record. I was satisfied that the court could proceed with the application. parties will have a chance to seek to cease acting at their own time and pace.

6. What then is the role of that court? 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.....

7. The Applicant has done his part, serving the bill of costs and other processes. I find no reason to disallow the Application. The application is merited. Consequently, I allow the same as follows.

Determination

8. 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 12/11/2025 for Ksh. 201,522.16, together with interest at 9% from 12/12/2025, being one month after certification.
 - b. The chamber summons dated 20/1/2026 is listed for hearing on 17/2/2026
 - c. The file is closed.

DELIVERED, DATED and SIGNED at NYERI on this 27th day of January, 2026. Ruling delivered extempore, through Microsoft Teams Online Platform.

KIZITO MAGARE
JUDGE

In the presence of:

Mr. Waweru for the Applicant.

Ms. Jayo for the Respondent

Court Assistant - Michael