



REPUBLIC OF KENYA



**Murimi, Mbago & Ong'enge p/a Murimi Ndumia Mbago & Muchela  
Advocates v Apa Insurance Company Limited (Miscellaneous Civil Application  
E122 of 2024) [2026] KEHC 1179 (KLR) (11 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1179 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIVASHA  
MISCELLANEOUS CIVIL APPLICATION E122 OF 2024  
GL NZIOKA, J  
FEBRUARY 11, 2026**

**BETWEEN**

**PAUL KIONGO MURIMI, ANDERSON OMONDI MBAGO, ASTON  
MUCHELA ONG'ENGE P/A MURIMI NDUMIA MBAGO & MUCHELA  
ADVOCATES ..... APPLICANT**

**AND**

**APA INSURANCE COMPANY LIMITED ..... RESPONDENT**

**RULING**

1. By a notice of motion application dated 7<sup>th</sup> March 2023 brought under the provisions of section 51 (2) of the *Advocates Act* (Cap 16) Laws of Kenya, the applicant is seeking for orders: -
  - a. That judgment be entered for appellant against the respondent for the sum of Kenya Shillings Seventy-Five Thousand, Eight Hundred and Eighty-Six (Kshs. 75,886) only being the certified costs due to the applicant as against the respondent.
  - b. The respondent does pay to the applicant the costs of this application together with interest on the taxed sum.
2. The application is supported by the grounds thereto and the affidavit of even date sworn by Paul Murimi Kiongo, an Advocate of the High Court of Kenya practising as such in the applicant's firm.
3. He avers that the respondent instructed the applicant's firm to act for the defendant in Naivasha CMCC No. 78 of 2018 Rosebella Nanjala Simiyu vs Panda Flowers Limited. That the instructions were executed accordingly.



4. However, the respondent has neglected, refused and/or failed to pay the legal fees for the service rendered necessitating the applicant filing a bill of costs. That the bill was subsequently taxed at Kshs. 75,886.00 and a certificate of taxation issued.
5. That despite the fact that the certificate of taxation has not been appealed against, set aside, and/or altered the respondent has refused, failed and/or neglected to settle the taxed amount.
6. The applicant argues that, in the given circumstances, it is only fair and just that judgment be entered against the respondent as prayed for.
7. The application was served but the respondent did not file any response.
8. It is noteworthy that, the application is anchored on the provision of section 51(2) of the Advocates Act, which states as follows: -

The certificate of a taxing officer by whom it has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of costs covered thereby, and the court may make such order in relation thereto as it thinks fit, including in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

9. The applicant has produced evidence of the certificate of taxation issued on 20<sup>th</sup> January, 2024, In support of its application. It suffices to note that it has not been set aside nor varied and neither is there a dispute on retainer in this matter. Therefore, there is no good reason why the orders sought cannot be granted.
10. However, as regard interest sought Rule 7 of the Advocates Remuneration Order states as follows: -

An advocate may charge interest at 14 per cent per annum on his disbursements and costs, whether by scale or otherwise, 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.

11. In this matter, a perusal of the court record reveals that, there is no evidence that the applicant served the respondent with bill of costs. However, from the proceedings before the Taxing Master, it is indicated that the matter came up for directions on 31<sup>st</sup> October 2024 and the respondent was represented by Mr. Karanja who sought for 14 days to file a response to the bill of costs.
12. Therefore, it can be concluded that the respondent had knowledge of the bill with effect from 31<sup>st</sup> October 2024, as such the applicant can only get interest one (1) month after that date the 30<sup>th</sup> October 2024.
13. In conclusion, I enter judgment for the appellant in the sum of Kshs. 75,886 plus interest at 14% per annum from 30<sup>th</sup> October 2024 until payment in full. Costs of the application are awarded to the applicant.
14. Those then are the orders of the court.

**DELIVERED, DATED AND SIGNED ON THIS 11<sup>TH</sup> DAY OF FEBRUARY 2026**

**GRACE L. NZIOKA**

**JUDGE**

In the presence of:



N/A for the applicant

N/A for the respondent

Hannah- Court assistant

