



Paul Kiongo Murimi, Anderson Omondi Mbago, Aston Muchela Ong’enge p/a Murimi Ndumia Mbago & Muchela Advocates v APA Insurance Company Limited (Miscellaneous Civil Application E123 of 2024) [2026] KEHC 1196 (KLR) (11 February 2026) (Ruling)

Neutral citation: [2026] KEHC 1196 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
MISCELLANEOUS CIVIL APPLICATION E123 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 13th February 2025 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 Thousand, Six Hundred and One (KShs. 70,601) 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. 150 of 2013 Samuel Gathiari Cherere vs Kenya Power & Lighting Co and the applicant executed the instructions 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 in the sum of Kshs. 70,601 and a certificate of taxation issued.
5. That despite the certificate of taxation not having 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 5th December 2024 in support of the application. It suffices to note that the certificate has not been set aside nor varied and neither is there a dispute on retainer in this matter. Therefore, there no good reason why the orders sought cannot be granted.
10. However, as regards interest, it suffices to note that the provisions of 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 bill of costs was served upon the respondent. However, from the proceedings before the Taxing Master it is indicated that when the matter came up for directions on 31st October 2024, the respondent was represented by Mr. Karanja who sought for 14 days to file a response to the bill of costs.
12. Consequently, the date of 31st October 2024 will be taken as the date when the bill was served and the applicant can only get interest one (1) month after 31st October, 2024.
13. In conclusion, I enter judgment for the appellant in the sum of Kshs. 70,601 plus interest at 14% per annum from 31st 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 11TH 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

