



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

MISCELLANEOUS APPLICATION NUMBER E300
OF 2024

KINYANJUI NJUGUNA & CO. ADVOCATES -----
APPLICANT

VERSUS

CORPORATE INSURANCE CO. LTD. -----
RESPONDENT

JUDGEMENT

1. By Notice of Motion dated 17/6/2025 the Applicant
pray for orders as herebelow;

1. Spent.

**2. THAT the Honourable Court be
pleased to consolidate the instant
matter with:**

- **Nakuru Misc. Application No.
E299 of 2024**

3. THAT pursuant to prayer 2 above the Honourable court be pleased to enter judgment/decree for Kshs. 392,235/= tabulated as hereunder;

- **Nakuru Misc. Application No. E299 of 2024 - Kshs. 177,900.00**

- **Nakuru Misc. Application No. E300 of 2024 - Kshs. 214,335.00**

4. THAT interest be provided for at 14% per annum, from 31st October 2023 until payment in full.

5. THAT the cost of the Application be provided for.

2. The Applicant's Advocate (Kinyanjui Theuri) swore an affidavit in support of the motion. He avers that the Applicant's Advocate/Client Bill of Costs in this matter as well as in **Miscellaneous Civil Application Number E299 of 2024** involving the same parties, have been taxed by the Deputy Registrar in the sums of Kshs. 177,900/= and Kshs. 214,335/= respectively. Consolidation of two Applications is said to be necessary and expedient because the matters relate to the same parties.

3. Counsel further states that Certificates of Taxation of

Costs have since been issued in the two matters but the Respondent has not made good the legal costs owed to them. Judgement is therefore sought for the Respondent to enforce the Certificates of Taxation of Costs.

4. The Respondent's Legal Officer (Anne Odongo) swore an Affidavit in reply, opposing the Application. While acknowledging that common questions of law and fact indeed arise in the two files, the reliefs sought are said to emanate from a different series of transactions. It is therefore contended that it is not desirable to consolidate the two matters;

“as the Respondent will need to account for each matter separately when making requisitions and after settling the taxed costs.”

5. The Respondent further contends that they were not served with the Certificates of Costs for settlement and it would therefore be unfair to impose costs and interest. It is also proposed to settle the costs in monthly installments of between Kshs. 50,000/= - 100,000/= until payment in full.

6. The parties did not file or make submissions.
7. **Order 11 Rule 3(1) (h) of the Civil Procedure Rules 2010** provides for consolidation of suits, for expeditious disposal and better case management.

8. In **Law Society of Kenya vs Center of Human Rights & Democracy & 12 Others (2014) eKLR** it was held;

“The essence of consolidation is to facilitate the efficient and expeditious disposal of disputes and to provide a framework for a fair and impartial dispensation of justice to the Parties. Consolidation was never intended to confer any undue advantage upon the party that seeks it, nor was it intended to occasion any disadvantage towards the party who opposes it.”

9. In **Nyati Security Guards & Services Limited vs Municipal Council of Mombasa (2000) eKLR** the following observations were made;

“The situations in which consolidation can be ordered include where there are two or more suits or matters pending in the same court where;-

(a) Some common questions of law or fact arise in both or all of them.

(b) The rights or reliefs claimed in them are in respect of the same transactions.

(c) For some other reasons, it is desirable to make an order consolidating them.”

10. A persuasive decision of the **Supreme Court of India** in **Prem Lala Nahata & Another vs ‘Chandi’ Prasad Sikaria (2007) 2 Supreme Court Cases 551** lays down the same principles as guiding consolidation of suits or matters.

11. It is not disputed that common questions of law and fact arise in the two matters in question. The matters also emanate from the same transaction, a dispute over legal fees due to the Applicant.

12. I accordingly agree with the Applicant that consolidation of the two Applications is appropriate.

13. On the merits, there is no basis for opposing this Application which aims to enforce Certificates of Taxation of Costs duly issued by the Deputy Registrar of this court as Taxing Officer.

14. The Application is allowed as prayed and Judgement is accordingly entered. The same orders issue in Miscellaneous Civil Application Number E299 of 2024, having been consolidated with the instant Application.

J. M. NANG'EA, JUDGE.

Judgement delivered virtually this 23rd day of February, 2026.

In the presence of:

Ms Odhiambo Advocate for the Applicant

Respondent's Advocate, Absent

Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.