



Ndegwa t/a Muchemi & Co Advocates v Chairman Board of Directors National Water Harvesting and Storage Authority Board of Directors (Civil Miscellaneous Application E317 of 2024) [2026] KEHC 2002 (KLR) (23 February 2026) (Ruling)

Neutral citation: [2026] KEHC 2002 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL MISCELLANEOUS APPLICATION E317 OF 2024
PN GICHOHI, J
FEBRUARY 23, 2026**

**IN THE MATTER OF MICHAEL MUCHEMI NDEGWA T/A MUCHEMI & CO. ADVOCATES
AND**

**IN THE MATTER OF ADVOCATE CLIENT BILL OF COSTS
AND IN THE MATTER OF JUDICIAL REVIEW APPLICATION NO. E005 OF 2021
AND IN THE MATTER OF SECTION 51 OF THE ADVOCATES ACT, CAP
16 & RULE 13 OF THE ADVOCATES REMUNERATION ORDER 2014**

BETWEEN

**MICHAEL MUCHEMI NDEGWA T/A MUCHEMI & CO
ADVOCATES APPLICANT**

AND

**CHAIRMAN BOARD OF DIRECTORS NATIONAL WATER HARVESTING
AND STORAGE AUTHORITY BOARD OF DIRECTORS RESPONDENT**

RULING

1. The Advocate/ Applicant has moved this Court by way of a Notice of Motion application dated 11th November 2025 and brought under Section 51 (2) of the *Advocates Act* Cap 16 Laws of Kenya, Rule 13 A of the Advocates Remuneration Order, 2014, Section 3A of the *Civil Procedure Act* and ORDER 51 Rule 1 of the Civil Procedure Rules, seeking Orders that:-
 1. Judgment be entered in favor of the Applicant herein in the sum of Kshs. 1,419, 450 /= as appears in the certificate of Costs dated 8th October, 2025 with interest from the date of filing this application.



2. The Applicant be allowed to execute the judgment against the Respondents herein.
3. The costs of the application be borne by the Respondents.
2. The grounds on the face of the application and supported by the Affidavit sworn by Michael Paul Obura Advocate on 11th November 2025 are that the Respondents instructed the firm of Muchemi & Co. Advocates on 22nd May 2021 to act for them in Judicial Review Application No. E 005 of 2021 -Republic vs Chairman Board of Directors National Water Harvesting and Storage Authority at Nakuru Employment & Labour Relations Court.
3. However, the Respondents failed to pay the Advocates legal fees despite being served and that necessitated the Applicant to file the Bill of Costs dated 1st October 2024 which was eventually taxed on 19th September 2025 at Kshs. 1,419, 450 /= and a Certificate of Taxation was issued to that effect on 8th October 2025.
4. The Applicant further states that Respondents never filed any reference objecting to the taxation and therefore, the Ruling on Taxation is uncontested.
5. The Applicant therefore stated that it is only fair that judgment be entered as prayed in the Certificate of Costs in the sum of Kshs. 1,419, 450 /= together with interest thereon.

Determination

6. This Court has noted that though duly served with this application, the Respondent did not file any response leaving the application uncontested.
7. The documents availed show that indeed the Applicant herein was duly instructed by the Respondents to act for them and did act for them in Nakuru Judicial Review Application No. E 005 of 2021 which application was opposed. It was canvassed by way of submissions and ultimately, the Application was dismissed.
8. Both parties attended taxation of the Applicant's Bill of Costs dated 1st October 2024 and the Bill of Costs was duly taxed at Kshs. 1,419, 450 /= vide the Taxing Officer's ruling delivered on 19th September, 2025.
9. Section 51 (2) of the *Advocates Act* which provides that :-

“The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the 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.”
10. There is no dispute as to the retainer and no reference has been filed in regard to the Ruling on Taxation. The Certificate of Taxation herein has not been set aside or altered by this Court and therefore, the taxed costs are considered final.
11. Further, Rule 13 A of the Advocates Remuneration Order , 2014 provides that:-

“For the purpose of any proceeding before him, the taxing officer shall have power and authority to summon and examine witnesses, to administer oaths, to direct the production



of books, paper and documents and to direct and adopt all such other proceedings as may be necessary for the determination of any matter in dispute before him."

12. As regards interest, Rule 7 of the Advocates (Remuneration) Order provides that:-

"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."

13. In the circumstances, the application dated 26th March , 2025 is allowed as follows:-

1. Judgment be and is hereby entered in favour of the Applicant as against the Respondents in the sum of Kshs. 1,419, 450 /=-.
2. The Applicant is awarded interest on the said sum at the rate of fourteen (14%) per cent per annum calculable from the date of filing this application until payment in full.
3. Costs of this application are awarded to the Applicant.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 23RD DAY OF FEBRUARY, 2026.

PATRICIA GICHOHI

JUDGE

In the presence of:

Mr Obura for the Advocate/Applicant

N/A for the Respondent

Erickson, Court Assistant

