

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI

MISCELLANEOUS APPLICATION NO E053 OF 2025

V CHOKAA & CO ADVOCATES.....
.....APPLICANT

VERSUS

ROY HAULIERS LIMITED.....
.....RESPONDENT

RULING

Background

1. The application before the court is dated 12th June 2025. It seeks for entry of judgment in favour of the Applicant for the sum of Ksh. 118,350.00 as per the ruling of the Taxing Master dated 23rd May 2025 and the Certificate of Costs which issued therefrom.
2. The court record shows that the application was served on the Respondent on 11th July 2025. However, the Respondent did not file a response to it.
3. On 12th November 2025, the court gave directions for the application to be heard through written submissions and gave timelines for compliance. The court then set down the cause for mention on 18th February 2026 for purposes of fixing a ruling date.
4. The record shows that the Applicant served the Respondent for 18th February 2026. However, the Respondent neither

filed a response to the application nor appeared before court on this date.

5. On aforesaid date (18th February 2026), counsel for the Applicant informed the court that since the application was not opposed, he was not going to file submissions. He asked the court to determine the motion on the basis of the affidavit in support thereof.

Analysis

6. The application is anchored on section 51(2) of *the Advocates Act* which provides as follows:-

“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.”

7. In this case, the taxation order by the Taxing Master has not been set aside. As such, the Certificate of Taxation which issued from it represents the final pronouncement on the costs which are due to the Applicant. Since the Respondent has not opposed the application or applied to set aside the taxation order, the Applicant is entitled to the orders sought.

Determination

8. The upshot is that the application dated 12th June 2025 is allowed and judgment is entered in favour of the Applicant for Ksh. 118,350.00 plus interest at the rate of 14% per annum from the date of taxation.
9. Costs of the application assessed at Ksh. 5,000.00 are granted to the Applicant.

**Dated, signed and delivered on the 23rd day of February,
2026**

B. O. M. MANANI

JUDGE

In the presence of:

.....for the Applicant

.....for the Respondent

ORDER

In light of the directions issued on 12th July 2022 by her Ladyship, the Chief Justice with respect to online court proceedings, this decision has been delivered to the parties online with their consent, the parties having waived compliance with Rule 28 (3) of the ELRC Procedure Rules which requires that all judgments and rulings shall be dated, signed and delivered in the open court.

B. O. M MANANI