

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**COMMERCIAL AND TAX DIVISION**  
**MISC. CIVIL APPLICATION NO. E227 OF 2025**

**BETWEEN**

**AMUGA & COMPANY**

**ADVOCATES.....APPLICANTS/ADVOCATES**

**AND**

**ERKA ANYANGO OGANDA &**

**GEORGE OREJE PETER OGANDA**

**(Sued in their capacity as the Administrators  
of the Estate of WELSA BANGE OGANDA AYOO.....  
RESPONDENTS/CLIENTS**

**RULING**

**Introduction and Background**

1. The Applicants/Advocates (“the Advocates”) have filed the Chamber Summons dated 22<sup>nd</sup> May 2025 (“the reference”) made under **Para. 11(2)** of the ***Advocates Remuneration Order*** (“the ***Order***”) challenging the decision of the Deputy Registrar dated 16<sup>th</sup> May 2025 (“the Ruling”) following taxation of the Advocates/Client Bills of Costs dated 14<sup>th</sup> February 2025 (“the Bill of Costs”) at Kshs. 1,601,322.26/=.

2. The reference is supported by grounds set out on its face and the supporting affidavit of the Paul Amuga, an advocate practising in the Advocates' firm sworn on 22<sup>nd</sup> May 2025. There was no substantive response by the Clients but the parties have all filed written submissions which I have considered and I will be making relevant references to the same in my analysis and determination below

### **Analysis and Determination**

3. From the 2<sup>nd</sup> Client's submissions, I note that he is canvassing the decision by the Deputy Registrar on his Preliminary Objection dated 28<sup>th</sup> March 2025 and urging the court to find merit in the same. However, I am in agreement with the Advocates' submissions in response that the 2<sup>nd</sup> Client has not challenged this decision by way of a reference or an appeal as set out by **Paras. 11(1) and (2)** of the **Order** which provides:

*(1) Should any party object to the decision of the taxing officer, he may within fourteen days after the decision give notice in writing to the taxing officer of the items of taxation to which he objects.*

*(2) The taxing officer shall forthwith record and forward to the objector the reasons for his decision on those items and the objector may within fourteen days from the receipt of the reasons apply to a judge by chamber summons, which*

*shall be served on all the parties concerned, setting out the grounds of his objection.*

4. From the above, there is no gainsaying that any person, the 2<sup>nd</sup> Client herein not excepted, who sees to object to the decision of the Deputy Registrar is obligated to lodge a Notice of Objection to Taxation and in respect of which, the objector is enjoined to highlight the items sought to be objected to. In this regard, it was incumbent upon the 2<sup>nd</sup> Client to file a Notice of Objection to itemise and highlight the question of the preliminary objection and thereafter file a reference. In the absence of such a reference, I am in agreement with the Advocates' submission that the Deputy Registrar's decision on the preliminary objection is final.
5. Turning to the Advocates' reference, they fault the Deputy Registrar for using the wrong value to calculate the instruction fees, that she valued the case at Kshs. 12.5 million, based on the 1998 auction price of the Suit property as opposed to Kshs. 158 million which is its current value being Kshs. 150 million plus Kshs. 8 million in damages awarded by this court. That this error fundamentally reduced the instruction fees.
6. The Advocates further state that the Deputy Registrar erred by disallowing the costs for making copies of pleadings, claiming no

receipts were provided arguing that the **Order** does not require receipts for copies made when the documents are first printed. Furthermore, that a receipt was provided for other photocopies but it was ignored. They also fault the Deputy Registrar for reducing the fee for half-day court attendances from Kshs.5,000.00/= to Kshs.2,300.00/= which the Advocates argue violates the fee schedule.

7. Going through the 1<sup>st</sup> Client's submissions, I note that she is actively supporting the Advocates' position on the value of the subject matter and urging the court to substitute the Deputy Registrar's decision with her own proposed figures, which are much closer to the Advocates' claim. I would therefore exercise my discretion and for purposes of bringing this matter to a close, re-tax Item No. 13 on instruction fees as proposed by the 1<sup>st</sup> Client which is Kshs.2,590,000.00/=, Item 14 on getting up fees as one-third of the instruction fees which is Kshs. 863,333.33 and Item No. 53 on one-half will be 1,726,666.66 which is half of 2,590,000.00 +863,333.33. The rest of the items remain as taxed by the Deputy Registrar. The reference is therefore allowed and the Ruling of the Deputy Registrar set aside to that extent. There is no order as to costs of the Reference.

**DATED SIGNED and DELIVERED virtually at NAIROBI this**

**2<sup>nd</sup> DAY OF MARCH 2026**

.....  
**J.W.W. MONGARE**  
**JUDGE**

**IN THE PRESENCE OF**

1. Mr. Amuga for the Advocate/Applicant.
2. Ms. Mogambi holding brief for Mr. Ongega for the 1<sup>st</sup> Client/Respondent.
3. Mr. Onyango for the 2<sup>nd</sup> Client/Respondent.
4. Amos - Court Assistant

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