

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL & TAX DIVISION
MISCELLANEOUS APPLICATION NO. E007 OF 2019

GITONGA MUREITHI & COMPANY ADVOCATES
ADVOCATE/APPLICANT

VERSUS

FASTLANE FREIGHT FORWARDERS LIMITED
RESPONDENT/CLIENT

R U L I N G

1. Before the Court is the Applicant's Notice of Motion **dated 26th May 2025** brought under Section 51(2) of the Advocates Act, Rule 13A of the Advocates (Remuneration) Order, Sections 3A & 63(e) of the Civil Procedure Act, and Order 51 Rule 1 of the Civil Procedure Rules. The Applicant seeks entry of judgment in the sum of **Kshs. 425,000** as per the Certificate of Taxation dated 5th December 2024, interest, and costs.
2. The Motion is supported by the Affidavit of **Stephen Gitonga Mureithi, Advocate**, sworn on 26th May 2025, which annexes the Certificate of Taxation confirming the figure of Kshs. 425,000.
3. In support of the application, the Applicant also filed written submissions dated **12th February 2026**, whilst the Respondent neither filed a response nor submissions to oppose the Motion.

4. The record shows that the Advocate-Client Bill of Costs dated **16th February 2019** was taxed, culminating in a **Certificate of Taxation** in the sum of **Kshs. 425,000**. No reference challenging the taxing officer's decision has been filed, and the time for doing so has lapsed.
5. Section 51(2) of the **Advocates Act** provides that a certificate of taxation "shall, unless it is set aside or altered by the Court, be final as to the amount of the costs covered thereby." In a case where the retainer is not disputed, the Court may order that judgment be entered for the sum certified. The Applicant's position is that no reference has been filed, that the certificate stands, and that the retainer is not disputed.
6. On the uncontroverted material before Court, namely the **Certificate of Taxation** for **Kshs. 425,000** and the averment that no reference has been lodged, the Court's role on quantum is effectively spent, and entry of judgment follows.
7. On the interest, the Applicant prays for **interest at 14% per annum from the date of judgment**. In submissions, reliance is placed on **Rule 7 of the Advocates (Remuneration) Order** (allowing an advocate to charge **14% p.a.** on disbursements and costs from one month after delivery of the bill, if the claim for interest is raised before payment) and on the Court's general discretion under **Section 26 of the Civil Procedure Act**.
8. Rule 7 requires proof of delivery of the bill and computation one month thereafter. The present record contains the taxed figure and certificate, but does not place before the Court documentary proof of the date of delivery of the bill to trigger Rule 7 interest from that earlier date. In those circumstances, and given that the Applicant's prayer frames interest from the date of judgment, the just order is to

award interest at court rates from the date of judgment until payment in full.

9. Under **Section 27(1) of the Civil Procedure Act**, costs follow the event unless the Court orders otherwise. The Respondent did not oppose the Motion. The application is merited. The Applicant is therefore entitled to the costs of this application.

10. Accordingly, the Court makes the following orders:

- i. Judgment is hereby entered for the Applicant against the Respondent in the sum of Kenya Shillings Four Hundred and Twenty-Five Thousand (Kshs. 425,000) as certified in the Certificate of Taxation dated 5th December 2024.
- ii. The judgment sum shall attract interest at court rates from the date of this judgment until payment in full.
- iii. The Respondent shall bear the costs of this application.

11. It is so ordered.

SIGNED, DATED, and DELIVERED IN VIRTUAL COURT THIS

19TH FEBRUARY 2026

**ADO MOSES
JUDGE**

In the presence of: -

C/A - Moses

Ms. Gitari.....for the Advocate/Applicant

N/A.....for the Respondent

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