

REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS
COURT AT NAKURU

ELRC MISCELLANEOUS APPLICATION NO. E066 OF
2025

***(Before Hon. Lady Justice Anna Ngibuini
Mwaure)***

WACHIRA WANJIRU & COMPANY
ADVOCATES
APPLICANT

VERSUS
BRINKS SECURITY SERVICES LIMITED.....
RESPONDENT

RULING

Introduction

1. The Applicant filed a Notice of Motion dated 2nd December 2025 under Certificate of Urgency seeking the following orders that:

1. Spent.

2. This Honourable court be pleased to adopt the certificate of costs issued in Nakuru ELRC Misc App No. E017/2025, Nakuru ELRC Misc App No. E018/2025, Nakuru ELRC Misc App No. E021/2025, Nakuru ELRC Misc App No. E027/2025, Nakuru ELRC Misc App No. E028/2025 and Nakuru ELRC Misc App No. E029/2025 all in the sum of Kenya Shillings

Three Hundred and Thirty-Three Thousand Six Hundred (Kshs. 333,600/=) as the judgment and decree of this Honourable court.

3. The Applicant be granted costs and interests from the date of service of the certificate of costs until payment in full.

4. The costs of this application be assessed by the court and be borne by the Respondent.

5. Costs of this Application be in the cause.

2. The application is brought under ***section 51(2) of the Advocates Act, Rule 68(g) of the Employment and Labour Relations Court (Procedure) Rules 2024.***

Applicant's case

3. The application is supported by the affidavit of Jennifer Wachira, the Applicant herein, dated the same date as the Applicant.

4. The Applicant avers that its professional relationship with the Respondent collapsed after providing legal services in several matters, including ELRC Miscellaneous Applications Nos. E017/2025,

E018/2025, E021/2025, E027/2025, E028/2025, and E029/2025. As a result, the Applicant successfully taxed six bills of costs in Nakuru, amounting to Kshs. 333,600/=.

5. Despite serving the certificates of costs upon the Respondent and its counsel over three months ago, the Applicant avers that the sums remain unpaid.
6. The Applicant avers that in the interest of justice, the Respondent to settle the accrued amount accumulating from the certificate of costs for the services rendered.
7. The Applicant emphasized that the application has been made without undue delay and that granting it would not prejudice the Respondent.
8. The Applicant urged the court to allow the application as prayed.
9. Despite the Respondent being served with the application, it did not respond to the said application; thus, the application is unopposed.

Analysis and determination

10. The court has considered the application, supporting affidavit and the annexures; the singular issue for determination is whether court should be pleased to

adopt the Certificates of costs as Judgment of this Honourable court.

11. **Section 51(2) of the Advocates Act** 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.”

12. In **Andrew and Steve Advocates v Maureen Onsongo [2022] KEELRC 610 (KLR)**, the court relied on the case of **Lubulellah & Associates Advocates v N K Brothers Limited [2014] eKLR**, where the court stated as follows:

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of costs, and there is no reference against his ruling, or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the

court save to enter judgment. An applicant is not required to file suit for the recovery of costs. The certificate of costs is final as to the amounts of the costs and the court would be quite in order to enter judgment in favour of the Applicant against the Respondent herein for the taxed sum indicated in the Certificate of Taxation ...”

13. In ***Manyonge Wanyama & Associate LLP v Kisii County Government [2025] KEELRC 2071 (KLR)***, the court cited the case of ***Wilfred Nyaundi Konosi t/a Konosi & Advocates v John Lokorio [2015] KEHC 730 (KLR)***, where Mulwa J. stated:
“Once a certificate of costs is issued and has not been set aside or altered, no other action would be required from the court save to enter Judgment upon application”.

14. In the instant case, the Applicant obtained certificates of costs in several matters, namely Nakuru ELRC Miscellaneous Applications Nos. E017/2025, E018/2025, E021/2025, E027/2025, E028/2025, and E029/2025, totalling to Kshs.

333,600/=. The same were issued on 6th August 2025, 9th July 2025 and 20th August 2025 and all duly signed by the Deputy Registrar. Despite proper service upon the Respondent, as confirmed by an affidavit of service on record, the Respondent failed to enter an appearance or oppose the application.

15. Upon consideration of the application and since there is no opposition to application the court it is satisfied that **section 51(2) of the Advocates Act** vests it with jurisdiction to adopt a certificate of costs. In this particular case, the application being unopposed, the court finds no impediment to granting the orders sought.
16. In light of the foregoing, the court finds that the application dated 2nd December 2025 is merited and is hereby allowed. In terms of prayers No. 2 and 3 the said certificates are adopted as Judgment and Decree of the Honourable court.
17. The Applicant will have the costs of the application.

Orders accordingly.

**Dated, Signed and Delivered virtually at Nakuru
this 13th Day of**

March, 2026.

**ANNA NGIBUINI MWAURE
JUDGE**

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with **Order 21 Rule 1 of the Civil Procedure Rules**, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of **Section 1B of the Civil Procedure Act (Chapter 21 of the Laws of Kenya)** which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE
JUDGE

ORIGINAL