

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT CHUKA
MISC. CIVIL APPLICATION NO. E008 OF 2024

IRUNGU KANGATA & CO. ADVOCATES

LTD.....APPLICANT

VERSUS

OCCIDENTAL INSURANCE CO. LTD.....
RESPONDENT

R U L I N G

1. The Applicants filed a Notice of Motion dated 17th December 2025 seeking orders that:-

- (i) That the judgement entered for the Advocate/Applicant's taxed Advocate-Client costs of Kshs.136,068/- contained in the Certificate of Taxation herein dated 4th November 2025 with interest thereon at the rate of 14% per annum with effect from 23rd August 2024 until payment in full; and

(ii) That the costs of this Application be awarded to the Advocate/Applicant.

2. Their Application is based on grounds that they had a certificate of taxation of advocate- client costs of Kshs.136,068 which certificate had neither be varied nor set aside. That the Respondent client had failed to settle the taxed amount.

3. Onyango Sylvester Omondi advocate swore the Supporting Affidavit dated 17th December 2025 in which he stated that he was in conduct of the case and there was no dispute on their retainer. That their client the Respondent had not paid the taxed amount and it was in the interest of justice. That the Application be allowed.

4. The Application elicited no response from the Respondent. To prove service, the Applicant filed an affidavit of service sworn by Agnes Kweyu

Oyondi, process server, who deponed that she had served both the Application and hearing notice.

5. The Respondents did not attend court on 10th February 2026 when the Application came up for hearing. Mr. Omondi for the Applicant urged that the Application be allowed. As stated above, they filed no response. There is also no evidence of any reference challenging the taxed costs.

6. Section 51 (2) of the Advocates Act 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.”

7. It is clear that the amount contained in the Certificate of Taxation is final and that this court has the power to enter judgment for the taxed amount. There is no evidence to show that the Certificate of Taxation had been altered or set aside.

8. Once a taxing master has taxed costs and issued a certificate thereof, and no payment has been made or reference filed, all that is required of the court is to enter judgment. See **Lubulellah & Associates Advocates vs N K Brothers Limited [2014] eKLR.**

9. In the premise, I allow the Application and enter judgement in favour of the Applicant for the amount reflected in the Certificate of costs dated 28th August, 2024 being Kshs.136,068/-(One

hundred and thirty six thousand and sixty eight shillings only) with interest at court rates from the date of the certificate till payment in full.

10. The Applicant shall also have the costs of this Application.

Orders accordingly,

Ruling delivered, dated and signed at Chuka this 19th day of March, 2026.

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R. LAGAT-KORIR
JUDGE

Ruling delivered in the presence of Mr. Omondi for the Applicant and N/A for the Respondent. Muluvi (Court Assistant).