

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
COMMERCIAL & TAX DIVISION - MILIMANI
MISC. APPLICATION NO. E767 OF 2025

**WILLIAM OCHANDA ONGURU T/A
OCHANDA ONGURU & CO ADVOCATES.....
APPLICANT**

VERSUS

**TRIDENT INSURANCE COMPANY LIMITED.....
RESPONDENT**

RULING

1. The Application before Court is the Notice of Motion dated December 2025 is brought pursuant to Section 51(2) of the Advocates Act, Cap 16, seeking the following substantive orders:
 - i. That the Certificate of Costs issued on 27th October 2025 in respect of the Applicant's Advocate-Client Bill of Costs dated 22nd July 2025 in the sum of Kshs. 573,384/- be adopted as a judgment and decree of this Court.

- ii. That the Court do grant interest on the taxed amount at 14% per annum from the date of the ruling until payment in full.
 - iii. That costs of this application be provided for.
2. The application is supported by the Affidavit of **William Ochanda Onguru**, Advocate, sworn on 2nd December 2025, which sets out the factual basis of the application.
3. The Applicant contends that he filed an **Advocate-Client Bill of Costs dated 22nd July 2025**, which was subsequently taxed by the Deputy Registrar and allowed in the sum of **Kshs. 573,384/=**, and a Certificate of Costs issued accordingly.
4. It is further deponed that the Certificate of Costs has not been set aside or varied, and that the Respondent has failed to settle the taxed costs, necessitating the present application.
5. Despite service, the Respondent did not file any response to the application.

Analysis and Determination

6. Having carefully considered the application, the Court finds that the sole issue for determination is whether

judgment should be entered for the Applicant on the basis of the Certificate of Taxation.

7. The law governing entry of judgment on a taxed bill is **Section 51(2) of the Advocates Act**, which 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 an order that judgment be entered for the sum certified to be due.”

8. The legal position emerging from this provision is well settled: once a Certificate of Costs has been issued and remains unchallenged, the Court has jurisdiction to enter judgment for the certified amount. The Supreme Court in Kenya Airports Authority v Otieno, Ragot & Company Advocates [2023] KESC 56 (KLR), clarified that costs ascertained by the certificate of taxation or costs, are final with respect to costs covered therein. The Court stated as follows regarding the wordings employed under Section 51(2):

“The words employed in the above provision are clear and demonstrate that the intention of the Legislature is

that the costs ascertained by the certificate of taxation or costs, are final with respect to costs covered therein. In other words, a certificate of taxed Party-Party costs is final on the costs/fees ascertained in the Party-Party costs.....”

9. Similarly, in **Ahmednasir Abdikadir & Co. Advocates v National Bank of Kenya Ltd [2006] eKLR**, the Court held that once a certificate of taxation has been issued and no reference has been filed to challenge it, the court’s role is merely to enter judgment for the sum certified.

10. Further, in **Lubulellah & Associates Advocates v N.K. Brothers Ltd [2014] eKLR**, the Court stated that:

“A certificate of costs that has not been set aside or altered is final as to the amount of the costs and the court has no option but to enter judgment in terms of the certificate.”

11. These authorities affirm that the Court does not sit on appeal over the taxation unless a reference has been filed under Rule 11 of the Advocates Remuneration Order.

12. In the present case, the Applicant, an advocate, acted for the Respondent in **CMCC No. E019 of 2022**.

Subsequently, the Applicant filed an Advocate-Client Bill of Costs dated **22nd July 2025**.

13. The Bill was taxed on **27th October 2025**, and a detailed Ruling on Taxation delivered by the Honourable Deputy Registrar, taxing the Bill at **Kshs. 573,384/-**. A Certificate of Taxation dated 11th November 2025 was issued accordingly.

14. It is clear from the record that the Certificate of Costs has not been altered, set aside, or challenged by way of reference. Further, the Respondent has failed or refused to settle the taxed amount.

15. Guided by the principles espoused in the above authorities, I find the present application merited and hereby allow the same. Accordingly, the Court finds that the Applicant is entitled to judgment for **Kshs. 573,384/-**.

Interest on taxed costs

16. The Applicant also seeks interest on the taxed costs at the rate of **14% per annum from the date of the ruling on taxation**.

17. The applicable legal framework is **Rule 7 of the Advocates (Remuneration) Order**, which permits an

- advocate to charge interest at the rate of **14% per annum on disbursements and costs**, from the expiration of one month from the delivery of the bill to the client, provided that the claim for such interest is raised before the bill has been paid or tendered in full.
18. The courts have consistently affirmed the entitlement to interest on taxed costs once the amount due has been ascertained. In **Lubulellah & Associates Advocates v N.K. Brothers Ltd [2014] eKLR**, the Court of Appeal held that interest on taxed costs is payable under Rule 7 of the Advocates (Remuneration) Order and that the purpose of such interest is to compensate the successful party for the delay in settlement of the costs due.
19. Similarly, in **Otieno, Ragot & Company Advocates v Kenya Airports Authority [2021] eKLR**, the Court reiterated that once costs are taxed and remain unpaid, interest at **14% per annum** may properly be awarded in accordance with Rule 7.
20. In the present matter, the Applicant has expressly sought interest on the taxed costs, and there is no evidence that the Respondent has settled or tendered payment of the same. Once taxed, the amount becomes a liquidated sum due to the successful party.

21. In the circumstances, the Court finds the prayer for interest justified.

22. Accordingly, the Court hereby finds that interest shall accrue on the taxed costs at the rate of 14% per annum from the date of the ruling on taxation (27 October 2025) until payment in full.

Disposition

23. For the reasons stated above, the Court finds merit in the Applicant's Notice of Motion dated December 2025 and allows it in the following terms:

- i. The Certificate of Taxation dated 11th November 2025 for the sum of Kshs. 573,384/- is hereby adopted as a judgment of this Court.
- ii. Judgment is entered in favour of the Applicant against the Respondent in the sum of Kshs. 573,384/-.
- iii. The decretal sum shall attract interest at 14% per annum from 27th October 2025 until payment in full.
- iv. The Applicant shall have the costs of this application.

24. It is so ordered.

DATED, SIGNED, AND DELIVERED AT NAIROBI

THIS 19TH DAY OF MARCH, 2026



ADO MOSES
JUDGE

In the presence of:

... ..for Applicant/Advocate

.....for Respondent/Client

Moses.....C/A

ORIGINAL FILE