



**Waweru v Directline Assurance Company Limited (Civil Suit
E992 of 2024) [2026] KEMC 39 (KLR) (10 February 2026) (Ruling)**

Neutral citation: [2026] KEMC 39 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CIVIL SUIT E992 OF 2024
PA NDEGE, SPM
FEBRUARY 10, 2026**

BETWEEN

RUTH MUTHONI WAWERU PLAINTIFF

AND

DIRECTLINE ASSURANCE COMPANY LIMITED DEFENDANT

RULING

1. This suit was compromised or settled before a hearing date was taken. Parties have however failed to agree on the costs. I am hereby called upon, by the defendant to review the bill of costs as filed by the plaintiff herein. The defendant's main grievance relates to items number 1, on the instruction fees and item no 12, on attendance.
2. This suit having been compromised and the claim settled before a hearing date was taken, the instruction fees shall be governed by Schedule 7, Part A, Item (1) (b) and (c) of the Advocates Remuneration Order, 2014. Item 1 (c) provides that in a suit where settlement is reached prior to confirmation of the first hearing date of the suit the fee shall be 85% of the fee chargeable under item 1(b) of this Schedule. Item 1(b) on the other hand provides that when a suit is determined in a summary manner in any manner whatsoever without going to full trial the fee shall be 75% of the fees chargeable under item 1(b).
3. In assessing the instruction fee herein, I will have to refer to the value of the subject matter in the suit herein. The same is Kshs. 359,645/-. As per the schedule in that part, the instruction fees for such an amount in a normal suit is Kshs. 45,000/=.
4. I will thus start with the fee chargeable under Item 1(b). 85% of Kshs. 45,000/- equals Kshs. 33,750/-. I then, as per Item 1(c) assess the instruction fee payable herein as 75% of 33,750/- = and arrive at Kshs. 28,687.50 as the instruction fees herein.



5. As to the attendances herein. I find that the plaintiff attended this subordinate court for mentions on 04/12/24, 26/02/25, 02/04/25, 25/06/25, 18/07/25, 04/12/25 and 23/01/26, hence 7 mentions. Therefore the costs for all the attendance before this subordinate court are hereby assessed at Kshs. 1,400 x 7= 9,800/.
6. There were no grievance or issues raised as relates to the other items in the bill of costs. I do therefore vary the bill of costs, undated, but filed electronically on 02/07/2025, by allowing the amount sought in all the items therein, except the instruction fees in item no. 1, which is hereby assessed at Kshs. 28,687.50. All the attendances as per items 11-16 are hereby expunged, and replaced with the attendances as assessed hereinabove at Kshs. 9,800/-. The upshot is that the Plaintiff's Party and Party bill of costs is hereby assessed at Kshs. 52,037.50.

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 10TH DAY OF FEBRUARY, 2026

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Plaintiff's Counsel: Kurere h/b Njuguna

Defendant's Counsel: n/a

Plaintiff: n/a

