

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT VOI
ELCMISC NO. E004 OF 2026

ONINDO ONINDO & ASSOCIATES
APPLICANT

=VERSUS=

NDARA B COMMUNITY..... **CLIENT/**
RESPONDENT

RULING

1. The Application before Court is a Notice of Motion dated 17th February 2026 by the Applicant brought under the provisions of ***Section 51 (2) of the Advocates Act***. The application seeks orders that the Certificate of Taxation dated 13th February 2026 be deemed as Judgment and Decree of this court and judgment be accordingly entered against the Respondent together with interest.
2. The Application is supported by an Affidavit of **Onindo Cherly** Advocate sworn on 17th February 2026. It was deposed that the Applicant filed its bill of costs dated 12th June 2025, the same was taxed on 5th February 2026 for the sum of **Ksh 1,968, 841/-**. A certificate was issued on 13th

February 2026 and the same has not been challenged or set aside.

3. On **23rd March 2026** when the Application came up for directions, it was directed that the same be canvassed by way of written submissions. The Applicant filed its written submissions dated 4th April 2026. No written submissions were filed by the Respondent.
4. I have considered the application and written submissions filed by the Applicant and the sole issue for consideration is whether the Application is merited.

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.”

5. In the present matter, the Certificate of Taxation dated 13th February 2026 remains unchallenged and has not been set aside or altered. The Respondent was served but elected not to file any response or submissions, thereby raising no dispute as to the retainer or the amount certified. In the circumstances, the Certificate is final as to the quantum of costs, and this Court is empowered under **Section 51(2)** to enter judgment for the sum certified.
6. This position is well settled and in the case of **Ngonze & Ngonze Advocates v Nakumatt Holdings Limited (Under Administration) & another [2023] KEELC 18361 (KLR)**, the Court affirmed the finality of a certificate of taxation under **Section 51(2) of the Advocates Act** and the discretion of the Court to enter judgment where the retainer is undisputed. Similarly, in **Waweru Gatonye & Company Advocates v Tana & Athi River Development Authority [2025] KEELC 6505 (KLR)**, the Court held that once a certificate of taxation is issued and remains unchallenged, the advocate is entitled to judgment in terms of the certificate.

7. On the question of costs of this application, the Court retains wide discretion. Having regard to the fact that the Respondent did not oppose the application in any manner, I direct that each party shall bear its own costs of these proceedings.
8. Consequently, the application therefore stands allowed in the following terms;
- i) Judgment is hereby entered in favour of the Applicant against the Respondent in the sum of Kshs. 1,968,841/= as certified in the Certificate of Taxation dated 13th February 2026.***
 - ii) The Applicant shall be entitled to interest on the judgment sum at the rate of 14% per annum from the 30th day after service of this decree upon the Respondent until payment in full.***
 - iii) Each party to bear its own costs of the application.***
9. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT VOI THIS
15TH DAY OF APRIL 2026.**

**E. K. WABWOTO
JUDGE**

In the presence of: -

Mr. Onindo for the Applicant.

**Mr. Ronald Mwang'ombe appearing in person as a member
of the Respondent's Community.**

Court Assistants; Mary Ngoira and David Ngoosa.