



**Kariuki t/a Gachiri Kariuki & Company Advocates v Mutuku t/a Rocham Enterprises
(Miscellaneous Civil Application 451 of 2002) [2026] KEHC 4847 (KLR) (17 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 4847 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CIVIL APPLICATION 451 OF 2002**

J NGAAH, J

APRIL 17, 2026

BETWEEN

**JG KARIUKI T/A GACHIRI KARIUKI & COMPANY
ADVOCATES APPLICANT**

AND

CHARLES KIOKO MUTUKU T/A ROCHAM ENTERPRISES ... RESPONDENT

RULING

1. This ruling is on the applicant's reference dated 14 March 2025 in which the applicant seeks leave to appeal against a ruling I delivered on 28 February 2025. The ruling sought to be appealed against was on a reference by the client against the decision of taxing officer in an advocate/client bill of costs dated 6 November 2023 but amended on 7 February 2024.
2. The application is expressed to be brought under section 1A, 1B, 3 and 3A of the *Civil Procedure Act* and paragraph 11(3) of the Advocates Remuneration Order.
3. The primary ground upon which the application is based is that an appeal from the sort of order I made does not lie as of right, in which event the applicant seeks leave to appeal by dint of paragraph 11(3) of the Advocates Remuneration Order. The application is supported by the affidavit of Mr. Victor Origi Owino, an advocate of this Honourable Court, on record of the applicant.
4. On 12 May 2025, Mr. Amuga, the learned counsel for the applicant informed the court that he had filed grounds of objection opposing the application. However, the only grounds of objection filed by Mr. Amuga's firm of advocates are grounds dated 1 April 2025, objecting to an application dated 28 March 2025. An application of this date does not exist on the court record.



5. As far as appeals from references are concerned Paragraph 11 (3) of the Advocates Remuneration Order states as follows:

Any person aggrieved by the decision of the judge upon any objection referred to such judge under subsection (2) may, with the leave of the judge but not otherwise, appeal to the Court of Appeal.

6. In the absence of any or any serious objection to the applicant's application, leave is hereby granted to the applicant to file an appeal against the decision of this Honourable Court. The appeal shall be filed and served within fourteen days of the date of this ruling. The applicant's application is allowed to that extent and with no orders as to costs. Orders accordingly.

SIGNED, DATED AND DELIVERED ON 17 APRIL 2026

NGAAH JAIRUS

JUDGE

