



Erick Ntabo & Co Advocates v Trident Insurance Ltd (Miscellaneous Civil Application E242 of 2024) [2026] KEHC 4402 (KLR) (26 March 2026) (Ruling)

Neutral citation: [2026] KEHC 4402 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION E242 OF 2024
SM MOHOCHI, J
MARCH 26, 2026**

BETWEEN

ERICK NTABO & CO ADVOCATES APPLICANT

AND

TRIDENT INSURANCE LTD RESPONDENT

RULING

1. Before Court for determination is the Applicant's Notice of Motion Application dated 22nd April 2025 brought under Section 51(2) of the *Advocates Act*, and Rules 4 and 5 of the Advocates Remuneration (Amendment) Order, seeking for orders that: -
 - i. That, the court be pleased to order that the Certificate of Taxation issued to the applicant as against the Respondent be converted into a judgment and decree of this court and consequently, a judgment be entered for the applicant against the respondent, for Kshs 63,365/-.
 - ii. That, interest does accrue on the sum of Kshs 63,365/-, at the rate of 14% per annum, with effect from 19/8/24 until payment shall be made in full, as prescribed in Paragraph 7 of the Advocates Remuneration Order.
 - iii. That, the Costs of this Application totaling to Kshs 50,000/ be awarded to the Advocates/ Applicant and be borne by the respondent.
2. The grounds were premised on the face of the Application and the annexed Supporting Affidavit of Eric Nyarangi Ntabo sworn on the same date.
3. It the Applicant's case that, the Respondent despite being served with the Advocate -Client Bill of Costs, has failed to enter appearance and consequently the Advocate Client Bill of Costs stood unopposed when the same came up for taxation on the 5th November, 2024.



4. That, the court entered a ruling on 28th March, 2025 and the Advocate Client Bill of Costs dated 14th February, 2025 was taxed at Kshs 63,365/-
5. That subsequently, a certificate of taxation dated 7th April, 2025 was issued and served upon the Respondent on 23rd April, 2025 physically.
6. The respondent has not filed a reference and the taxed bill remains unchallenged.
7. There is no dispute that the Respondent retained the Applicant herein as their advocate in respect of which advocate - clients' costs were taxed herein.
8. The court be pleased to order that the certificate of taxation issued to the applicant as against the respondent be converted into judgment and decree of this court.
9. A judgment be entered for the applicant against the respondent for the sum of Kshs 63,365/-.
10. The Respondent bears the costs of this Application in the sum of Kshs 50,000/=
11. That it is in the interest of justice that this application be allowed as prayed.
12. The Respondent elected not to defend the Application despite repeated service on the 12th June 2025, 26th September 2025, 11th October 2025, 26th November 2025 and finally on 23rd February 2026.
13. The court has sight of the five (5) return of service by Andrew Alwara concluding that the Respondent has failed and/or refused to participate in the proceedings
14. In this instance the Application is allowed as undefended.
15. Therefore, having found merit in this Application and that the Applicant is deserving of the orders sought, this court hereby allows the Application dated 22nd April 2025 on the following terms;
 - i. The Certificate of Taxation issued herein is hereby converted into a judgment and decree of this court and consequently, a judgment is entered for the applicant against the respondent, for Kshs 63,365/-.
 - ii. Interest on the judgment is allowed at the rate of 14% per annum, with effect from 19th August, 2024.
 - iii. Costs of the Application is awarded assessed at Kshs. 30,000/-.

It is so ordered.

SIGNED, DATED AND DELIVERED AT NAKURU ON THIS 26TH DAY OF MARCH, 2026

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MOHOCHI S.M

JUDGE

