



REPUBLIC OF KENYA

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI**

(ON Makau J on 30th April, 2026)

MISCELLANEOUS APPLICATION NO. E095 OF 2025

V. CHOKAA & COMPANY

ADVOCATES.....APPLICANT

-VERSUS-

**MEAT LOVERS RESTAURANT.....1ST
RESPONDENT**

**JUDITH NGENE MUSYOKA.....2ND
RESPONDENT**

RULING

Introduction

1. This ruling relate to the Advocates Notice of Motion dated 29th September 2025 brought under Section 51 (2) of the Advocates Act, Rule 7 of the Advocates Remuneration Order (ARO) and Section 36 Rule 1 (a) of the Civil Procedure Rules

and Section 3A of the Civil Procedure Act. The Motion seeks the following orders:-

a) That Judgment be entered for the Applicant as against the Respondent in the sum of Kshs. 132,065/= (One Hundred and Thirty-Two Thousand and Sixty-Five.) in accordance with the Certificate of Taxation of Costs filed with the Plaintiff.

b) That the Respondent to pay the Applicant as against the said sum together with interest therein at 14% per annum with effect from 7th March 2025 until payment in full.

2. The Motion is supported by the Affidavits sworn by Dr. Vincent Chokaa on 29th September 2025 and 23rd January 2026 and it is opposed by the Respondent through a Relying Affidavit sworn by the 2nd Respondent on 23rd January 2026.
3. The Applicant's case in brief, is that he filed an Advocate Client Bill of Costs after the Client's failed to pay his fees for the legal services rendered. The bill was taxed by the Taxing Officer of this court vide a Ruling delivered on 7th March 2025 at Kshs. 132,065. The taxed costs have neither been set aside nor altered and therefore judgment should be entered as prayed in the Motion.

4. The Respondents admitted that the Applicant was their Advocate and his Advocate - Client Bill of Costs was taxed. However they contended that they paid the Advocate Kshs. 57000 which should be deducted from the taxed costs. However, the Advocate denied that he was paid the said Kshs. 57000 in this matter.
5. The Motion was disposed of by written submissions. Having considered the Motion, Affidavits and submissions, the following issues fell for determination:-
 - a) Whether the Motion has merits.
 - b) Whether Kshs. 57000 should be deducted from the taxed costs

Merits

6. There is no dispute that the Advocates Costs were determined by the Taxing Officer of this court on 7th March 2025, at Kshs. 132,065. It is also clear that the Respondents never challenged the said decision as required under Paragraph 11 of the Advocates Remuneration Order. Consequently I find that the request for judgment in terms of the taxed costs is merited.

Deduction of Kshs 57000.

7. The Respondents made the same request during the taxation of the bill and the Taxing Officer declined the request. In her ruling, the Taxing Officer held that it was not possible to

determine whether the sum of Kshs. 57000 was paid as fees in this matter as the Advocate had acted for the Respondents in Ten (10) matters.

8. As already noted above, the Respondents never challenged the decision of the Taxing Officer by a reference to enable this court to consider the merits of the decision. It is therefore not possible for the court to interfere with the decision of the Taxing Officer in the manner requested by the Respondents.

Conclusion

9. I have found that the costs certified by the Taxing Officer of the court has not been challenged and the time for that has lapsed. Consequently, I allow the Notice of Motion dated 29th September 2025, as prayed.

DATED, SIGNED AND DELIVERED VIRTUALLY IN OPEN COURT AT NAIROBI THIS 30TH DAY OF APRIL, 2026.

**ONESMUS MAKAU
JUDGE**

Appearance

Chokaa for Applicant

Okello for Respondent