

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MAKUENI
CIVIL MISC. APPLICATION NO. E086 OF 2025

MNM ADVOCATES LLP.....
APPLICANT

VERSUS

KENYA ORIENT INSURANCE
LIMITED.....CLIENT/RESPONDENT

JUDGMENT

1. The matter for determination before me is a **Notice of Motion** dated 25-02-2026 seeking orders that:
 - i. **This Honourable Court be pleased to convert the Certificate of Taxation issued on 20-02-2026 into a decree and judgment together with interests from the date of taxation at the court's rates until payment in full.**
 - ii. **That costs of this application be provided for.**
2. The application is supported by the affidavit of Kinyua Wanjohi Advocate sworn on the 25-2-2026 who deposed that the Applicant's Bill of Costs was filed on 23-9-2025 and subsequently taxed at Kshs 61,725/= on 21-1-2026. That a Certificate of Taxation was consequently issued to that effect on the 20-2-2026.
3. That the Certificate of Taxation has not been challenged nor set aside hence the prayer herein.

4. Despite service, the Respondent did not file any response. The application was therefore argued *ex parte*.
5. I have considered the application herein which is not opposed. The only issue for determination is whether the application herein is merited.
6. It is trite that once a Taxing Master has taxed the Bill of Costs, issued a Certificate of Costs and there is no reference filed against his ruling, no other action would be required from the court save to enter judgment. The Certificate of Costs is final as to the amounts of the costs and the court would be quite in order to enter judgment in favour of the Applicant against the Respondent. [**See HC Misc 486 of 2012 E.W. Njeru & Co Advocates vs Zakhem Construction (K) Limited (2013) KECH3376(KLR).**]
7. This position is based on the provisions of **Section 51 (2)** of the **Advocates Act Cap 16 (Laws of Kenya)** and **Section 48 (3)** of the **Advocates Act** which provides as follows: -

“Notwithstanding any other provision of this Act, a bill of costs between an advocate and a client may be taxed notwithstanding that no suit for recovery of costs had been filed.”
8. Similarly, in **Lubulellah & Associates Advocates v N K Limited brothers (2014)e KLR** the court held that; once a Taxing Master has taxed the Bill of Costs and issued a Certificate

of Costs and there is no reference against its ruling, no other action would be expected from the court save to enter judgment.

9. In the instant case, the Respondent has not challenged the application. In any event, no reference against the Certificate of Costs has been filed. In the absence of a reference or an order setting aside the taxation order, this court can not interfere with the Taxation Certificate issued directing payment of the amount due.
10. Noting that the Respondent did not file a reference, the Applicant thus ought to enjoy the fruits of its labour.
11. Further, the Applicant sought interest as plainly provided for under **Section 51(2)** of the **Advocates Act** which empowers this court to make any order that it deems fit. Entry of judgment and award of interest at court rates is within the ambit of what this court can do. The Applicant has claimed for interest on the taxed amount which is Kshs.109, 050/=-. **Rule 7** of the **Advocates Remuneration Order** provides as follows: -
“An advocate may charge interest at 14% per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full.”

12. Additionally, in the case of **HC Misc No 486 and 487 of 2012 E.W. Njeru & Co Advocates (Supra)**, it can be easily gleaned that if an advocate files his Bill of Costs without raising the issue of interest, then he forfeits interest as provided for under **Rule 7 of the Advocates Remuneration Order**. The court can only award the interest at court rates. In this case, the same was properly raised and therefore awarded.

13. Accordingly, I am inclined to find that the application herein is merited and the same is hereby allowed as prayed with costs.

Dated, signed and delivered virtually this **24th day of April 2026**.

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J. N. ONYIEGO

JUDGE