



Ombuna Ongeri & Co Advocates v Trident Insurance Co Ltd (Miscellaneous Application E126 of 2025) [2026] KEHC 5422 (KLR) (23 April 2026) (Ruling)

Neutral citation: [2026] KEHC 5422 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
MISCELLANEOUS APPLICATION E126 OF 2025
FN MUCHEMI, J
APRIL 23, 2026**

BETWEEN

OMBUNA ONGERI & CO ADVOCATES ADVOCATE

AND

TRIDENT INSURANCE CO LTD CLIENT

RULING

Brief facts

1. The application dated 3rd December 2025 seeks for orders of judgment in favour of the applicant for Kshs. 128,700/- pursuant to the ruling delivered on 24th November 2025. The applicant further seeks for interest to be provided for at 14% per annum from 8/09/2025 until payment in full.
2. The application is unopposed.

Applicant's Case

3. The applicant states that its bill of costs dated 11th July 2025 has since been taxed at Kshs. 128,700/- and a certificate of taxation issued on 2nd December 2025. The applicant avers that interest is payable at 14% per annum from the date of service of notice.
4. The applicant states that the respondent has continually neglected or failed to pay legal fees duly earned despite demands and notices. Furthermore, the certificate of taxation has not been disputed or set aside and neither is there any dispute regarding retainer. The applicant further states that he has demonstrated through evidence that he is entitled to the orders sought.



The Law

Whether the application has merit

5. The applicant argues that its bill of costs dated 11th July 2025 was taxed and allowed at Kshs. 128,700/- on 24th November 2025 and a certificate of taxation issued. Thus the applicant prays that judgment be entered for the said sum. I have perused the record and noted that the applicant's bill of costs dated 11th July 2025 was taxed and allowed at Kshs. 128,700/- on 24th November 2025. A certificate of taxation was issued on 2nd December 2025.
6. Taxation is a matter that is guided by the *Advocates Act* and the Advocates Remuneration Order, Section 51(2) of the *Advocates Act* which 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.
7. The above provision is clear that the certificate of costs once issued by the taxing officer is final unless set aside or altered by the court. The court may also make an order that judgment be entered in terms of the amount in the certificate of costs in the case of an advocate client bill of costs. In the instant case, the respondent filed a Notice of Appointment on 10th February 2026 and informed the court that they intended to file a Replying Affidavit in ten days. The court allowed the respondent's application and granted them 14 days to file a response. Parties were also directed to file submissions within 20 days upon filing of the response. On perusal of the record, the respondent did not file a response to the instant application.
8. The record shows that the respondent was duly served with the Bill of Costs but did not file a response nor were they represented when the matter came up for taxation despite having been served. The respondent was further served with the instant application and the accompanying documents which included the hearing notice, the application, the Notice of Taxation, the Ruling dated 24th November 2025 and the Certificate of Taxation dated 2nd December 2025. Furthermore, the respondent does not dispute the taxed costs as they did not file a reference and neither have they raised an issue with the retainer or the costs in the instant application.
9. The respondent does not in any way dispute the taxed costs. In that regard, it is my considered view that judgment ought to be entered in regard to the taxed costs of Kshs.128,700/- plus interest on the judgment sum at the rate of 14% per annum from 8th September 2025 being the date of service of the notice of taxation until payment in full. It is my considered view that the application dated 3rd December 2025 has merit and it is hereby allowed in the foregoing terms.
10. It is hereby so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 23RD DAY OF APRIL 2026.

F. MUCHEMI

JUDGE

