

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MISC. APPLICATION NO. E194 OF 2025

WAKUTHII WARUI & CO. ADVOCATES
ADVOCATE/APPLICANT

VERSUS

OPAL SPRINGS INTERNATIONAL LIMITED
CLIENT/RESPONDENT

RULING

1. This Ruling determines the Notice of Motion dated 10th July 2025, brought under Section 51(2) of the Advocates Act and Order 51 Rule 1 of the Civil Procedure Rules 2010, in which the Applicant, the firm of Wakuthii Warui & Co. Advocates, seeks an order that judgment be entered against the Respondent, Opal Springs International Limited, for the sum of Kshs. 207,500/=.

2. The application is supported by the affidavit of Jackline Wakuthii Warui sworn on the same date. The grounds for the application are straightforward:

- i. The Advocate-Client Bill of Costs dated **24th February 2025** was taxed by the Deputy Registrar on **30th April 2025**.
 - ii. The Certificate of Taxation was subsequently issued and signed on **27th June 2025**, certifying the sum of **Kshs. 207,500/=**.
 - iii. The Respondent has neither paid the certified sum nor filed a reference against the said taxation.
3. The Applicant now requires the said costs to be entered as a judgment of this Court to facilitate execution proceedings.
4. The law governing entry of judgment on a taxed bill is 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 an order that judgment be entered for the sum certified to be due.”
5. The legal position emerging from this provision is settled. Once a Certificate of Taxation has been issued and has not been set aside or varied, the Court may enter judgment for the amount certified, provided the retainer is not disputed.

6. The Court of Appeal in **Lubulellah & Associates Advocates v N K Brothers Limited [2014] eKLR** affirmed that where the retainer is not disputed, and the certificate of taxation has not been set aside, the Court is entitled to enter judgment for the sum certified. The Court clarified that:

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of costs and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter judgment. An applicant is not required to file suit for the recovery of costs. 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 herein for the taxed sum indicated in the Certificate of Taxation.”

7. In the present case, the Applicant has demonstrated that the taxation process is complete and the resulting certificate remains unchallenged. There is therefore no legal impediment to the Court granting the prayers sought.

8. Consequently, I find the application to be meritorious, and consequently grant the following orders:

- i. Judgment be and is hereby entered for the Advocate/Applicant against the Client/Respondent in the sum of **Kenya Shillings Two Hundred and Seven Thousand, Five Hundred (Kshs. 207,500/=)** only.
- ii. Interest shall accrue on the said sum at court rates from the date of the Certificate of Taxation until payment in full.
- iii. There are no orders as to costs, the Applicant having failed to comply with the Court's directions as to the filing of submissions.

9. It is so ordered.

DATED, SIGNED, AND DELIVERED AT NAIROBI

THIS 23RD DAY OF APRIL 2026



HON. MR. JUSTICE MOSES ADO

Judge of the High Court

In the presence of: -

C/A - Moses

.....*for the Advocate*

.....*for the Client*