



REPUBLIC OF KENYA



**M Korongo & Co Advocates v Nzoia Sugar Company Limited (Civil Miscellaneous Application E184 of 2024) [2026] KEHC 5935 (KLR) (4 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 5935 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CIVIL MISCELLANEOUS APPLICATION E184 OF 2024  
RN NYAKUNDI, J  
MAY 4, 2026**

**BETWEEN**

**M KORONGO & CO ADVOCATES ..... APPLICANT**

**AND**

**NZOIA SUGAR COMPANY LIMITED ..... RESPONDENT**

**RULING**

1. Before this Court is a notice of motion expressed to be brought under Sections 51(1)(2) of the Advocates Act Cap 16 Laws of Kenya and all other enabling provisions of the law. The Applicant seeks the following orders:
  - a. Spent.
  - b. That the Honourable Court be pleased to adopt the Certificate of costs issued on the 13<sup>th</sup> August, 2023.
  - c. That the judgment be entered for the Applicant against the respondent in the sum of Kshs. 567,920 only in terms of the Certificate of Costs issued on the 13<sup>th</sup> August, 2025.
  - d. That interest thereon be awarded at Court rates from 13<sup>th</sup> August, 2025 till payment in full.
  - e. Costs of this application be awarded to the applicant.
2. The application is based on the following grounds:
  - a. That the respondent has not filed any appeal against the award by the Court.
  - b. That despite being served with the said award the Respondents have not paid.



- c. That the respondent instructed the applicant on the 19<sup>th</sup> July,2021 to act for them in Eldoret CMCC No.184 of 2021; Wycliffe Imaala Ndegwa v Nzoia Sugar Company limited and Another.
  - d. That the Respondent since then has refused to pay the firm's legal fees for the services rendered necessitating the filing of the Advocate's Bill of costs dated 21<sup>st</sup> May, 2024.
  - e. That the Respondent is indebted to the Applicant to the tune of Kshs. 567,920/=plus interest accruing from the date of service of the said certificate of costs upon the respondent.
  - f. That the certificate of costs issued by the Deputy registrar on the 13th August, 2025 has not been varied.
  - g. That it is in the interest of justice to have the awarded costs be adopted as judgment of this Honourable Court.
  - h. That is in the interest of justice that the orders sought herein be granted.
    - i. That the Applicant is entitled to judgment against the Respondent in accordance with provisions of Section 51(2) of the Advocates Act.
3. In support of the application is the annexed affidavit of one George Korongo who deponed as follows:
- a. That I am an advocate of the High Court of Kenya practicing as such in the firm of M. Korongo & CO. Advocates and the Applicant herein.
  - b. That am well conversant with the facts relating to this matter and thus competent to swear this affidavit in support of the instant application.
  - c. That sometimes back on the 19<sup>th</sup> July 2021 the Respondent instructed the applicant herein to act for them in Eldoret CMCC No. 184 of 2021; Wycliffe Imaala Ndegwa v Nzoia Sugar Company limited and anor.
  - d. That the Respondent has since refused to pay the said law firm's legal fees necessitating the filing of the Advocates Bill of Costs dated 21<sup>st</sup> May,2024.
  - e. That the deputy registrar taxed the Bill of costs sometime on the 13<sup>th</sup> August, 2025 and the ruling thereof was delivered.
  - f. That the Bill of costs was taxed at Kshs. 567,920/= and certificate of Costs was issued by the Deputy Registrar on the 13<sup>th</sup> August,2025, despite being served with the said award the Respondents have not paid.
  - g. That the taxed costs ought to thus now be adopted as judgment of this Court.
  - h. That I swear this affidavit in support of the application filed herewith.
  - i. That it is in the interest of justice to have the awarded costs be adopted as judgment of this Honourable Court.
  - j. That it is in the interest of justice that the orders sought herein be granted.

### **Decision**

4. The Application by the Applicant is premised on the face of the motion and Supporting Affidavit of one, George Korongo. It is clear from the averments of his Affidavit that the Respondent who had



retained and instructed the firm of M. Korongo & Co. Advocates to provide legal services has failed to pay legal fees which is a requirement of the law. This necessitated the filing of the Advocate-Client Bill of Cost under the ambit of the Advocates Remuneration Order which was taxed by the Taxing Master and a Certificate of Taxation duly issued which taxed costs and legal fees are yet to be paid by the Respondent. There is therefore need for this Court to adopt the Certificate of Taxation which arises out of this miscellaneous case docket between their law firm and the Respondent.

5. The law is very clear on this subject matter as demonstrated by Section 51 (2) of the *Advocates Act* which provides;

“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 recovered thereby; and the Court may make such orders in relation thereto as it thinks fit, including where the retainer is not disputed an order that judgment be entered for the sum of certified to be due with costs.”

6. What is the Court required to do? It is to give effect to the law. This issue on legal fees for professional services rendered by the Advocates is a matter of great litigation in this country. It appears that clients are desirous to engage services of a professional Lawyer or Advocate but when it comes to settling the requisite legal fees there is a push and pull culminating into another litigation between an Advocate his/her client.

7. The following Authorities developed over time on this subject matter are examples to that effect. In the case of *Lubulellah & Associates Advocates v N. K. Brothers Limited* (2014) eKLR where the Court observed 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 that was issued on 25th November 2012.”

8. Regarding the interests on the taxed costs, Rule 7 of the Advocates Remuneration Order provides that:

“An advocate may charge interests at 14% per annum on his disbursement and costs whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, such claim for interests is raised before the amount of the bill has been paid or tendered in full.”

9. In support of this provision is the case of *Kerongo & Company Advocates v Africa Assurance Merchant Co. Limited* [2019] eKLR in which the Court held as follows;

“An advocate who does not provide proof that he had raised the issue of interest before the amount in the Bill of Costs has been paid or tendered in full will not be paid the interest chargeable under Rule 7 of the Advocates Remuneration Order. As the Advocates herein had not demonstrated that they had raised the issue of interest as aforesaid, they could not therefore be awarded interest at fourteen (14%) per cent per annum.”



10. It is also clear from the decision in Jackson Omwenga & Co. Advocates v. Everest Enterprises Ltd [2017], which L. Njuguna J, remarked as follows:

“I have perused the Advocates Remuneration (Amendment) Order, Rule 7. Under the said rule, an advocate can only charge interest from the expiration of one month from the delivery of the bill to the client, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full. To comply with that provision, the applicant must prove two things:

- a. That one month has expired from the time he delivered his bill to the client;
- b. He has raised his ‘claim’ for interest before the amount of the bill has been paid or tendered in full.”

11. What is at stake here is for this Court to adopt the Certificate of Taxation as a Judgment of this Court to oxygenate it as a Judgment of the Court capable of being executed and enforced as a Decree having been drawn as a tool or as an order prescribed by law to enforce a Judgment against the Judgment Debtor. For that matter the Respondent is a Judgment Debtor and from now henceforth upon the Decree being drawn any mode of execution shall take effect for the Applicant to realize the fruits of its Judgment. In the instant case the amount due and owing is Kshs. 567,920/= with interest at the rate of 14% percent per annum with effect from 13/8/2025 until payment in full.

**DELIVERED, DATED AND SIGNED AT ELDORET VIA CTS THIS 4<sup>TH</sup> MAY 2026**

.....

**R. NYAKUNDI**

**JUDGE**

