



Benard Odero & Company Advocates v Simiyu (Miscellaneous Application E016 of 2024) [2025] KEELRC 95 (KLR) (24 January 2025) (Ruling)

Neutral citation: [2025] KEELRC 95 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MISCELLANEOUS APPLICATION E016 OF 2024**

AK NZEI, J

JANUARY 24, 2025

**IN THE MATTER OF TAXATION OF COSTS UNDER
THE ADVOCATES REMUNERATION ORDER**

&

**IN THE MATTER OF TAXATION OF ADVOCATE-CLIENT COSTS
IN THE EMPLOYMENT AND LABOUR RELATIONS
NAIROBI EMPLOYMENT PETITION NO. 111 OF 2018**

BETWEEN

BENARD ODERO & COMPANY ADVOCATES APPLICANT

AND

MERIT WAMBATI SIMIYU RESPONDENT

RULING

1. The application before me is the Advocate/Applicant's Notice of Motion dated 7th August, 2024. The application is expressed to be brought under Section 51(1)(2) of the *Advocates Act* and Order 51 of the Civil Procedure Rules. The Applicant seeks the following Orders:-
 - a. That the Court be pleased to enter Judgment for the Applicant against the Respondent for the sum of Kshs.368,474/= as appears in the Certificate of Taxation dated 2nd August, plus interest at Court rates (14% per annum) from 18th July, 2024.
 - b. Costs of the application.
2. The application, which is not opposed by the Respondent, is based on the Supporting Affidavit of Bernard Odero Okello Advocate sworn on 7th August, 2024. It is deponed in the said affidavit that on 18th July, 2024, the Deputy Registrar (Taxing Officer) delivered a Ruling on the Advocate/Client Bill



of Costs dated 30th January, 2024, and taxed the same at Kshs.368,474/= . That the said decision has not been either varied or set aside, and that a Certificate of Taxation issued on 30th January, 2024.

3. I have perused the Court's record herein and I have seen the Taxing Officer's Ruling that was delivered on 18th July, 2024 and a Certificate of Costs subsequently issued on 2nd August, 2024.

4. Section 51(2) of the *Advocates Act* provides as follows:-

“The certificate of 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 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.”

5. In the present case, the Taxing Officer's Certificate has neither been altered nor set aside by this court, and has not been shown to be the subject of any dispute.

6. Consequently, Judgment is hereby entered in the sum of Kshs.368,474/= being the Applicant's costs taxed on 18th July, 2024 and certified vide a certificate of costs subsequently issued on 2nd August, 2024. A decree shall issue accordingly.

7. Interest on the sum decreed shall be at court rates, and shall be calculated from the date of taxation (18th July, 2024) until payment in full.

8. Each party shall bear its own costs of the application.

9. It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 24TH DAY OF JANUARY 2025

AGNES KITIKU NZEI

JUDGE

Order

This Ruling has been delivered via Microsoft Teams Online Platform. A signed copy will be availed to each party upon payment of the applicable Court fees.

AGNES KITIKU NZEI

JUDGE

Appearance:

Miss Ochieng for the Applicant

No appearance for the Respondent

