



**Kemboy Law Advocates v Narok County Government (Miscellaneous Application E035 of 2023) [2025] KEELRC 986 (KLR) (28 March 2025) (Ruling)**

Neutral citation: [2025] KEELRC 986 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU  
MISCELLANEOUS APPLICATION E035 OF 2023**

**J RIKA, J  
MARCH 28, 2025**

**BETWEEN**

**KEMBOY LAW ADVOCATES ..... ADVOCATE**

**AND**

**NAROK COUNTY GOVERNMENT ..... CLIENT**

**RULING**

1. This Application bears resemblance to Miscellaneous Application No. E030 of 2023, which is between the same Parties.
2. The Advocate herein however, represented the Client in a different Claim, E&LRC Cause No. 61 of 2018. He filed an Advocate-Client Bill of Costs, which was taxed at Kshs. 468,005, in a Ruling of the Taxing Officer, dated 9<sup>th</sup> July 2024.
3. Taxation in both matters took place before the same Taxing Officer.
4. The Advocate filed reference, based on similar grounds, as advanced in Miscellaneous Application No. E030 of 2023. He argues that taxation had errors of principle.
5. The Client opposes the reference, through the Affidavit of its Secretary, John Mayiani Tuya, sworn on a date which has been blurred by the stamp of the Commissioner for Oaths.
6. Tuya agrees with the Ruling of the Taxing Master in his Affidavit, asking the Court to decline the reference.
7. Parties agreed to have the reference considered and determined, on the strength of their Affidavits and Submissions on record. They confirmed filing and exchange of the latter, at the last mention before the Court, on 29<sup>th</sup> January 2025.



**The Court Finds: -**

8. In its Submissions dated 27<sup>th</sup> January 2025, the Client makes a counter-reference, submitting that the Taxing Officer erred, by increasing the instructions fees by 50%, while she was only allowed to do so, where Party-Party costs had already been taxed.
9. The Client, like the Advocate, urges the Court to review and set aside the Ruling of the Taxing Officer. The Client's Submissions slightly depart from its position, stated in the Affidavit of Secretary Tuya.
10. The Court has no reason not to grant the reference, in light of the concurrence of the Parties, that taxation had errors of principle.
11. It is important for the Court to state however, that this is a matter that the involved Advocates, can constructively engage in, consult, and come up with a settlement of the Bill of Costs, without taxing judicial economy.
12. The Claimant in E&LRC Cause No. 61 of 2018, in which the Advocate defended the Client, sought compensation for unfair termination and terminal benefits, quantified at Kshs. at Kshs. 1,098,778. The Advocate sought to be paid instructions fees alone, at Kshs. 700,000. The Taxing Officer granted the item at Kshs. 150,000.
13. The Bill of Costs was taxed at Kshs. 468,005, which in the cursory view of this Court, considering the value of the subject matter, was neither too high nor too low.
14. The Parties and their Advocates need to come together, and reason together.
15. As the Parties both disagree with the Taxing Officer, the Court shall allow the reference. The Advocates should however consult and settle this Bill of Costs, instead of constantly revisiting the Courts, and chasing the best outcomes. They both understand the facts and the law, and are best suited to settle the Bill of Costs at their own level, without the need for re-taxation and probable other references.

**It Is Ordered: -**

- a. The Application filed by the Advocate dated 6<sup>th</sup> August 2024 is allowed, and the Ruling of the Taxing Officer dated 9<sup>th</sup> July 2024, set aside with the consent of the Parties, as expressed in their Submissions on record.
- b. The Advocates are directed to constructively engage, consult, and agree on the Bill of Costs.
- c. In event they do not agree, the Bill of Costs shall be re-taxed before another Taxing Officer.
- d. No order on the costs.

**DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, THIS 28<sup>TH</sup> DAY OF MARCH 2025.**

**JAMES RIKA  
JUDGE**

