



Orego & Odhiambo Advocates v County Government of Tana River (Miscellaneous Application E002 of 2025) [2025] KEELRC 1092 (KLR) (3 April 2025) (Ruling)

Neutral citation: [2025] KEELRC 1092 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MALINDI
MISCELLANEOUS APPLICATION E002 OF 2025**

M MBARŪ, J

APRIL 3, 2025

BETWEEN

OREGO & ODHIAMBO ADVOCATES APPLICANT

AND

COUNTY GOVERNMENT OF TANA RIVER RESPONDENT

RULING

1. The applicant filed an application dated 24 January 2025 under Section 51(2) of the [Advocates Act](#), Rule 7 of the Advocates Remuneration Order and seeking orders;
 - a. That the court be pleased to enter judgment against the respondent in the sum of Khs. 9, 356,653.13 as costs payable to the Advocate/applicant for legal services rendered.
 - b. The court to adopt the Certificate of Taxation dated 26 April 2023, together with the ruling thereto and allow the applicant to extract a Decree for execution against the respondent.
 - c. The court be pleased to award interest on the amount at court rates from the date of the Certificate of Taxation until payment in full.
2. The applicant is supported by the affidavit of Olendo Cecilia Advocate, who avers that the respondent sought legal services from the applicant in Civil Application No.12 of 2022, Mustafa Hamase Dase & 7 others v County Government of Tana River & another. The agreed legal fees per the Letter of Instructions dated 11 November 2020 were to be by the Advocates Remuneration Order. The matter was heard at the Court of Appeal, and upon successful dismissal of the application was successfully dismissed against the respondent. The applicant prepared the fee note and submitted it to the respondent for settlement. The respondent has refused to settle the fee note to date, hence these proceedings.



3. The applicant filed the Advocate-Client Bill of Costs dated 11 October 2022 to recover legal fees for services rendered. The matter proceeded for taxation, and a ruling was delivered on 26 April 2023 for Ksh. 9, 365,653.13 payable to the applicant. The applicant has since obtained a Certificate of Taxation dated 26 April 2023 and seeks to extract the decree to execute against the respondent.
4. The respondent was served with the application but has failed to attend or file any response. There are returns to confirm service.
The application is not contested.
5. Section 51 of the Advocates Act makes general provisions that the court has discretion to enter judgment on a Certificate of Taxation which has not been set aside or altered, where there is no dispute as to retainer. This in my view, is a mode of recovery of taxed costs provided by law.
6. I have perused the record and documents attached to the Affidavit of Olendo Cecilia, Advocate for the applicant. The Advocate -Client Bill of Costs dated 11 October 2022 and the ruling dated 26 April 2023 for a taxed sum of Ksh. 9, 356,653.13, which has not been reviewed or set aside.
7. These proceedings were not opposed. The claim for interests and costs shall not be issued.
8. Given the foregoing, I hereby find that the Notice of Motion application dated 24 January 2025 is merited and the same is hereby allowed in the following terms;
 - a. Judgment is hereby entered in favour of the Applicant against the Respondent for the sum of Ksh 9,356,653.13 as appears on the Certificate of Taxation dated 26 April 2023;
 - b. No orders on interests and costs.

DELIVERED IN OPEN COURT AT MALINDI ON THIS 3RD DAY OF APRIL 2025.

M. MBARŪ

JUDGE

In the presence of:

Court Assistant: Davis Wekesa

..... and

