



Mwita & Company Advocates v Langat (Miscellaneous Application E004 of 2024) [2025] KEELRC 2231 (KLR) (28 July 2025) (Ruling)

Neutral citation: [2025] KEELRC 2231 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO
MISCELLANEOUS APPLICATION E004 OF 2024**

**J RIKA, J
JULY 28, 2025**

BETWEEN

MS MWITA & COMPANY ADVOCATES ADVOCATE

AND

PROF WILSON KIPNG'ENO LANGAT RESPONDENT

RULING

1. The Respondent / Client has filed an application dated 25th July 2025, under certificate of urgency.
2. He prays in main, for orders that: -
 - a. He is allowed to liquidate the decretal sum granted in favour of the Applicant / Advocate at Kshs. 336,450, by monthly instalments of Kshs. 50,000.
 - b. Execution of decree is stayed, pending hearing of the application, and pending settlement by way of the proposed instalments.
3. The application is founded on the affidavit of the Respondent / Client, sworn on 25th July 2025.
4. He explains that the Advocate- Client Bill of costs was taxed on 22nd July 2025 against him, in the sum of Kshs. 336,450.
5. He proposed to the Applicant/ Advocate, to liquidate the sum, by monthly instalments of Kshs. 50,000. The Advocate declined the request, instead threatening to execute within 3 days, if the sum was not paid in full. The Respondent / Client states that he is willing to pay the decretal sum, but unable to do in lumpsum. He will suffer irreparable loss and harm, if the application is not allowed.

The Court Finds: -

6. The Advocate-Client Bill of Costs was initially taxed at the sum of Kshs. 2,413, 520.



7. The Respondent/ Client filed a reference to this Court, on the ground that the amount granted to the Applicant / Advocate, was manifestly excessive.
8. In a ruling dated 30th April 2025, the Court agreed with the Respondent/ Client, finding that the amount granted was manifestly excessive, and directing the Bill of Costs to be taxed afresh.
9. The Bill of Costs has been taxed afresh, at Kshs. 336,450, from the initial staggering sum of Kshs. 2,413,520.
10. Instead of the Respondent / Client paying the freshly taxed sum, and freeing himself from further obligation to his former Advocate, he is back in Court, seeking to prolong the dispute.
11. The application is not reasonable, and the Court is of the view that it ought not to be entertained.
12. The initial Bill of Costs was filed and taxed last year. The Respondent/ Client ought to have been aware, from last year, that he is indebted to the Applicant/ Advocate, and organized his finances accordingly. He should honour his obligation to his former Advocate, for professional services rendered, and pay the former Advocate fair value for those services, that value having been ascertained in the fresh taxation.
13. The Respondent/ Client shall forthwith, pay the sum that has freshly been taxed, in default, execution to proceed. Upon payment, the file be placed before the Deputy Registrar, Kericho, who shall mark the file as closed.
14. A copy of this ruling shall forthwith, be availed to both parties.

It Is Ordered: -

- a. The application filed by the Respondent/ Client, dated 25th July 2025 is declined.
- b. No order on the costs.
- c. A copy of the ruling be availed to both parties.
- d. The file shall upon settlement of the decree, be placed before the Deputy Registrar for closure.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT KERICHO, THIS 28TH DAY OF JULY 2025.

JAMES RIKA
JUDGE

