



**Kaburu t/a Mwirigi Kaburu & Co Advocates v County Government  
of Meru (Environment and Land Miscellaneous Application  
E015 of 2023) [2024] KEELC 7326 (KLR) (23 October 2024) (Judgment)**

Neutral citation: [2024] KEELC 7326 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MERU  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E015 OF 2023  
CK NZILI, J  
OCTOBER 23, 2024  
IN THE MATTER OF THE TAXATION OF ADVOCATE–CLIENT COSTS  
AND  
IN THE MATTER OF THE ADVOCATES REMUNERATION ORDER 2014**

**BETWEEN**

**JOSEPH MWIRIGI KABURU T/A MWIRIGI KABURU & CO  
ADVOCATES ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF MERU ..... RESPONDENT**

**JUDGMENT**

1. By a notice of motion dated 12.7.2024, the court is asked to enter judgment for Kshs.625,472/=, in favor of the applicant against the respondent, on account of a certificate of taxation dated 21.6.2024 with interest from the date of filing this application until payment in full.
2. Section 51 (2) of the *Advocates Act* provides that a court may enter judgment where there is a certificate of costs that has not been challenged by way of a reference appeal or the retainer is not disputed under Rule 11 of the Advocate's Remuneration Order (2014).
3. In this application, the applicant avers in his supporting affidavit sworn on 12.7.2024 that the bill of costs dated 12.10.2023 was duly served upon the respondent; the taxation occurred by a ruling dated 25.4.2024; a certificate of taxation was issued by the taxing master on 21.6.2024 and served upon the respondent as per annexure marked MK "1", "2" & "3" and duly received by the respondent on 16.11.2023 and 28.6.2024. The respondent, though served with this application, has not filed a response.



4. The applicant relies on written submissions dated 11.9.2024. It is submitted that the applicant has met the three conditions set out by the court in *Gichuki Kingara & Co. Advocates vs Mugoya Construction and Engineering Co. Ltd* (2015) eKLR, *Macharia Njeru Advocates vs Communications Commission of Kenya HCC No. 1029/2002* as cited in *Kagwimi Kang'ethe & Co. Advocates vs Penelope Combos & another* (2014) eKLR, *Kunjuga vs Kangaru MSC Application E011 of 2022 (2023) KEELC 246 (KLR)* (26<sup>th</sup> January 2023) (Ruling), namely; a certificate of taxation that has not been set aside or altered by the court and that there is no dispute on the retainer in view of annexures marked MK "1", "2" & "3".
5. Having carefully looked at the entire record before the court, I find that there are no outstanding issues for determination in terms of a reference or appeal pending or a dispute as to the retainer. The certificate of taxation dated 21.6.2024 is conclusive as to the amount in terms of Rule 11 of the Advocate's Remuneration Order. The court in *Owino Okeyo & Co. Advocates vs Fuelex (K) Ltd* (2005) eKLR, held that Section 51 (2) of the *Advocates Act* allows an advocate to get a judgment for the taxed costs provided that the client has not disputed the retainer.
6. Rule 7 of the Remuneration Order allows an advocate to charge interest at 14% on his disbursement and costs after one month from the delivery of his bill to the client.
7. In *P. I Samba & Co. Advocates vs Buzeki Enterprises Ltd* (2022) eKLR, the court cited *Otieno Ragot & Co. Advocates vs Kenya Ports Authority* (2021) eKLR on the charging of interest.
8. The bill dated 12.10.2023 by the applicant included interest at item number 14. I find the applicant entitled to interest from the date the bill was received by the respondent on 16.11.2023, and therefore, I enter judgment at Kshs.625,472/= with interest from 16.11.2023 at 14% per annum against the respondent till payment in full. Costs of the suit to the applicant. It is so ordered.

**DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT MERU ON THIS 23<sup>RD</sup> DAY OF OCTOBER, 2024**

**In presence of**

C.A Kananu/Mukami

Mwirigi for plaintiff

**HON. C K NZILI**

**JUDGE**

