



**Njeru Nyaga & Co Advocates v Mukiamo & 2 others (Environment and Land Miscellaneous Application 295 of 2022) [2025] KEELC 3130 (KLR) (28 March 2025) (Ruling)**

Neutral citation: [2025] KEELC 3130 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**  
**ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION 295 OF 2022**  
**TW MURIGI, J**  
**MARCH 28, 2025**  
**IN THE MATTER OF: THE ADVOCATES ACT**  
**AND**  
**IN THE MATTER OF: THE ADVOCATES/CLIENT BILL OF COSTS DATED 30TH MAY, 2022**

**BETWEEN**

**NJERU NYAGA & CO ADVOCATES ..... APPLICANT**

**AND**

**TITUS KAREI MUKIAMA ..... 1<sup>ST</sup> CLIENT**

**RAHAB KAREI MUKIAMA ..... 2<sup>ND</sup> CLIENT**

**KUKAM LIMITED ..... 3<sup>RD</sup> CLIENT**

**RULING**

1. By a Notice of Motion dated 27<sup>th</sup> March, 2024 brought under Section 51 (2) of the *Advocates Act* Cap 16 Laws of Kenya, Sections 3A and 63 of the *Civil Procedure Act* and Order 51 Rule 1 of the *Civil Procedure Rules*, the Applicant seeks the following orders: -
  1. That this Honourable Court be pleased to enter Judgement against the Respondent for the sum of Kshs.30,207,947.97/= being the certified costs due.
  2. That the taxed costs shall attract interest at the rate of 14% per annum from 14<sup>th</sup> September, 2023 until payment in full.
  3. That the costs of this application be provided for.
2. The application is premised on the grounds appearing on its face together with the supporting affidavit of Martin Njeru Nyaga sworn on even date.



3. Though duly served, the Respondent did not file any response to the application. There is an Affidavit of service on record indicating that the Respondents were served with the application. The application is therefore not opposed.

### **Analysis And Determination**

4. Having considered the application and the supporting affidavit thereof, the only issue that arises for determination is whether the Applicant is entitled to the orders sought.
5. Section 51(2) of the *Advocates Act* provides as follows:-

“The certificate of the 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 the 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 judgement be entered for the sum certified to be due with costs.”

6. In the case of *Lubullelab & Associates –vs- N.K Brothers Limited*(2014) eKLR the court held that:-

“The law is very clear that once a Taxing Master has taxed the costs, issued a certificate of costs and there is no reference against the ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter Judgement.”

7. In the matter at hand, the Bill of costs dated 30<sup>th</sup> May, 2022 was reserved for Taxation on 25<sup>th</sup> July, 2023. Both parties were represented in court and opted not to file submissions. The Ruling on the bill of costs was reserved for 13<sup>th</sup> September, 2023. On 13/09/2023 the court deferred the ruling to 14/09/2022. The ruling was delivered on 14<sup>th</sup> September, 2023 in the presence of M. Mutunga for the Respondent. The Bill of costs was taxed at Kshs. 30,207,947.97/=. A Certificate of Taxation was issued and as it stands now, the same has not been altered or set aside.

8. I find that in terms of Section 51(2) of the *Advocates Act* there is no reason to deny the Applicant the Judgement sought.

9. On the issue of interest, I have considered the provision of Rule 7 of the *Advocates Remuneration Order* which provides: -

“An Advocate may charge interest at 14% per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full”

10. Order 51(2) of the *Advocates Act* confers power upon the court to make such order as it may deem fit in the matter before it and order that judgement be entered for the sum certified to be due including costs.

11. The upshot of the foregoing is that Judgement is hereby entered for the Applicant against the Respondent in the sum of Kshs.30,207,947.97/= being the certified costs due to the Applicant as against the Respondents together with interest of 14% from the date of the ruling.

12. The Applicant is awarded costs of the application.



**RULING DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS THIS 28<sup>TH</sup> DAY OF MARCH, 2025.**

.....

**T. MURIGI**

**JUDGE**

In The Presence Of:-

Ms. Akinyi holding brief for Kirui for the Applicant

Hilda – Court assistant

