



REPUBLIC OF KENYA



Joe Ngigi & Company Advocates LLP v Trident Insurance Company Limited (Miscellaneous Application E162 of 2022) [2025] KEHC 6165 (KLR) (25 April 2025) (Ruling)

Neutral citation: [2025] KEHC 6165 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E162 OF 2022**

JM OMIDO, J

APRIL 25, 2025

BETWEEN

JOE NGIGI & COMPANY ADVOCATES LLP APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. This ruling results from the Advocate/Applicant's Notice of Motion dated 24th April, 2024, brought Section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya and seeks the following orders:
 - a. That judgement be entered in favour of the Applicant against the Respondent for the sum of Ksh.78,242/- being the certified costs due to the Applicant as against the Respondent.
 - b. That the Respondent does pay the costs of this application together with interest on the taxed sum.
2. The grounds upon which the application is premised are in precis That the Respondent instructed the Appellant to act for it in Winam PMCC No. E142 of 2021 and That the Applicant professionally executed the Respondents instructions.
3. The Respondent subsequently failed to settle the Applicant's legal fees which then resulted in the Applicant filing its bill of costs That was subsequently taxed by the Taxing Master at Ksh.78,242/- and a Certificate of Taxation of Costs issued to That effect on 9th December, 2022. The costs remain unsettled.
4. The application is supported by the affidavit of Joseph N. Ngigi, Advocate, the proprietor of the Applicant law firm sworn on 24th April, 2024. The affidavit, to which is annexed inter alia the Certificate of Taxation of Costs, expounds on the above grounds.



5. Service of the application and the hearing notice thereof was effected upon the Respondent to the satisfaction of this court. The Respondent does not oppose the application.
6. Having perused the application, the affidavit in support thereof and the record in its entirety, I am satisfied that the Applicant has demonstrated that it was instructed by and represented the Respondent in the above matter and that the Applicant's costs as determined by the Taxing Master remain unsettled.
7. Having said as much, the application has merit and I will proceed to allow it in the following terms:
 - a. That judgement is hereby entered in favour of the Applicant against the Respondent for the sum of Ksh.78,242/- as per the Certificate of Taxation of Costs issued herein dated 9th December, 2022.
 - b. That the above sum shall attract interest at the rate of 14% per annum from 9th December, 2022 until payment in full.
 - c. That as the Notice of Motion dated 24th April, 2024 was not opposed, I make no orders as to costs in respect thereof.

DELIVERED (VIRTUALLY), DATED AND SIGNED THIS 25TH APRIL, 2025.

JOE M. OMIDO

JUDGE

For The Applicant: Ms. Njeri for Mr. Kering.

For The Repondent: No appearance.

Court Assistant: Mr. Ngoge & Mr. Juma.

