



Kinyua & Maingi Advocates v Trident Insurance Company Limited (Miscellaneous Civil Application E009 of 2024) [2025] KEHC 6856 (KLR) (28 May 2025) (Ruling)

Neutral citation: [2025] KEHC 6856 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
MISCELLANEOUS CIVIL APPLICATION E009 OF 2024**

TW OUYA, J

MAY 28, 2025

BETWEEN

KINYUA & MAINGI ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. Before court is a Notice of Motion application by Kinyua Maingi and Company Advocates dated 23rd April 2025. The application is brought under section 51(2) of the Advocates Act Chapter 16 Laws of Kenya seeking for orders that:
 - a. That judgment entered in favour of the Applicant against the Respondent for the sum of Kenya Shillings Sixty five Thousand Two Hundred and Forty (Kshs 65,240) only being the certified costs due to the Applicant as against the Respondent
 - b. That the Respondent does pay to the Applicant the costs of this application together with interest on the taxed sum.
2. The application is supported by grounds and affidavit sworn by Njoki Kinyua Advocate dated 23rd April 2025 to the effect that:
 - a. The advocate – Client costs due to the Applicant herein have been taxed at Kenya Shillings Sixty-Five Thousand Two Hundred and Forty (Kshs 65,240.00) only in favor of the Applicant as against the Respondent and a certificate of taxation issued to that effect.
 - b. The Respondent has neglected, refused and/or failed to settle the taxed costs.
 - c. There is no dispute that the Respondent retained the Applicant herein as their advocate in respect of which advocate –client’s costs were taxed herein.



- d. It is only fair and just in the circumstances that Judgment be entered for the amount of Kenya Shillings Sixty-Five Thousand Two Hundred and Forty (Kshs 65,240.00) only being the sum certified to be due to the Applicant herein as against the Respondent.
3. A certificate of Taxation dated 6th February is attached.
4. This court takes note that the instant application was served upon the Respondent on 13th March 2025. On the same date Kairu & Mc court filed Notice of Change of Advocates in place of Kimondo Gachoka & Company Advocates together with an affidavit sworn by Joseph Kiriri Chira (1st Respondent) on the 4th November 2024. The said affidavit purports to respond to the Applicant's Notice of Motion dated 24th August 2024 and cited Civil Appeal No. E 085 of 2024 with other parties. Apparently, the response above has got nothing to do with the instant application save for informing the court that the Respondent has since changed advocates.
5. The issue before this court is a prayer for Judgement to be entered in favour of the Applicant against the Respondent for the sum of Kenya Shillings Sixty Five Thousand Two Hundred and Forty (Kshs 65,240.00) being the certified costs due to the applicant against the Respondent.
6. Section 51(2) of the *Advocates Acts* provides:
- “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 judgment be entered for the sum certified to be due with costs.”
7. Taking into account the existence of the certificate of Taxation by Hon. E.M. Analo the Deputy Registrar High Court dated 6th February 2025, this court hereby grants the order as prayed together with the costs of this application.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 28TH DAY OF MAY, 2025.

HON. T. W. OUYA

JUDGE

For Applicant.....Miss Kinyua

For Respondent.....No Appearance

Court Assistant.....Doreen

