



REPUBLIC OF KENYA



**Galexon Kenya Limited v Matimu (Petition E003 of 2021)
[2025] KEHC 9341 (KLR) (30 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9341 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
PETITION E003 OF 2021**

**A MABEYA, J
JUNE 30, 2025**

BETWEEN

GALEXON KENYA LIMITED APPLICANT

AND

DR JOSHUA EA MATIMU RESPONDENT

RULING

1. This ruling relates to the Notice of Motion dated 2/04/2025. The same was brought under the provisions of section 51 (2) of the [Advocates Act](#), Cap 16, Paragraphs 7 of the [Advocates Remuneration \(Amendment\) Order](#) and Order 51 Rule 1 of the [Civil Procedure Rules](#)
2. The applicant sought judgement for Kshs. 756,875/- in terms of the Certificate of Taxation dated 28/3/2023. It also sought interest on the said amount at the rate of 14% per annum from the 9/1/2023 when the Bill of Costs was served upon the respondent until payment in full. It further sought costs of Kshs. 20,000/-.
3. The application was premised on the grounds set out on the body thereof and the supporting affidavit of Kaniaru Kimandu, Advocate. He deposed that the respondent retained the applicant's law firm, KMK Law LLP, to act for it in the instant petition.
4. That subsequently, the applicant filed and served the respondent with a bill of costs dated 7/11/2022. The respondent was served with notices of taxation on different occasions and on 28/03/2023 the bill was taxed and certified at Kshs. 756,875/=. That despite several demands to settle, the respondent had failed to do so.
5. Section 51 (2) of the [Advocates Act](#) 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.

6. On the other hand, Paragraph 7 of the *Advocates (Remuneration) Order* provides: -

“An advocate may charge interest at 14 per cent 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, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full.”

7. From the foregoing, it is clear that an advocate is entitled to interest on the taxed amount at the rate of 14% per annum calculated 30days from the date of service of the bill of costs.

8. I have considered the application, the supporting affidavit and the annexures thereto. From the record, it is evident that the respondent was served with the bill of costs and several taxation notices. There is also a Certificate of Costs dated 28/03/2023 for Kshs. 756,875/= which has not been challenged by the respondent. These proceedings were unopposed.

9. As provided for under Paragraph 7 of the *Advocates Remuneration Order*, I find that interest rates of 14 % per annum is payable 30days from the date on which the Bill of Costs was served upon and received by the respondent.

10. In the premises, I find the application to be meritorious and I allow the same as follows: -

- a. Judgment is entered for the applicant against the respondent for Kshs. 756,875/= together with interest thereon at the rate of 14% per annum from 9/02/2023 until payment shall be made in full.
- b. Costs to the applicant assessed at Kshs. 10,000/-.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 30TH DAY OF JUNE, 2025.

A. MABEYA, FCI Arb

JUDGE

