



REPUBLIC OF KENYA



KENYA LAW
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**Kinyanjui Njuguna & Co Advocates v African Merchant Assurance Co. Ltd
(Civil Miscellaneous Application E014, E036, E037, E039 & E040 of 2025
(Consolidated)) [2025] KEHC 9816 (KLR) (30 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9816 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CIVIL MISCELLANEOUS APPLICATION E014,
E036, E037, E039 & E040 OF 2025 (CONSOLIDATED)**

GL NZIOKA, J

JUNE 30, 2025

BETWEEN

KINYANJUI NJUGUNA & CO ADVOCATES APPLICANT

AND

AFRICAN MERCHANT ASSURANCE CO. LTD RESPONDENT

RULING

1. By a notice of motion application dated 5th June, 2025, brought under the provisions of Order 51 Rule 1 of the *Civil Procedure Rules*, section 51(2) of *Advocates Act* (Cap 16) Laws of Kenya, Order 7 of the *Advocates (Remuneration) Order* (under Section 48) of (Cap 16), the applicant is seeking for the following orders:
 - a. That the Honourable court be pleased to consolidate the instant matter with;
 - Naivasha HC Misc Application No. E037 of 2025
 - Naivasha HC Misc Application No. E036 of 2025
 - Naivasha HC Misc Application No. E039 of 2025
 - Naivasha HC Misc Application No. E040 of 2025
 - b. That pursuant to prayer (q) above, the Honourable court be pleased to enter judgment/decree for Ksh 901,625 as tabulated hereunder:
 - Naivasha HC Misc Application No. E014 of 2025 Kshs 83,509
 - Naivasha HC Misc Application No. E037 of 2025 Kshs 177,961



Naivasha HC Misc Application No. E036 of 2025 Kshs 278,297
Naivasha HC Misc Application No. E039 of 2025 Kshs 79,598
Naivasha HC Misc Application No. E040 of 2025 Kshs 282,260
Total ----- Kshs 901,625

- c. That interest be provided for at 14% per annum from 16/9/2022 until payment in full.
 - d. That the cost of the application be awarded to applicant.
2. The application is based on the grounds that, the applicant's bills of cost in the above captioned matters have since been taxed, and certificates of taxation have since been drawn, signed and issued. However, the respondent has continually neglected and/or failed to pay the legal fees duly earned despite demands and notices served by the applicant.
 3. Further, that the respondent is facing a liquidity crisis and the recovery of funds is in jeopardy as the financial liquidity of the respondent is unknown. That if the court fails to grant the orders sought herein, the applicant is likely to suffer gross prejudice.
 4. Further that, an Advocate is legally entitled to fees duly earned in the course of service in line with the *Advocates Remuneration Order*. Furthermore, the respondent does not dispute the fees. That the instant application is made in the sole interest of justice and in due realization of the legal fees by the applicant.
 5. The application was ordered served for directions inter parties and was slated for hearing on 30th June, 2025. The respondent was served but did not appear in court. Consequently, the matter is treated as unopposed.
 6. Pursuant thereto, I note that the applicant has provided evidence in the form of certificates of taxation indicating that the bills of costs herein were taxed in the respective matters and certificates issued accordingly. I further note that there is no dispute to the retainer and neither have the certificates in question been varied or set aside. Therefore there is no opposition to the application.
 7. In that regard, the provisions of Section 51(2) of the *Advocates Act* on which the application herein is anchored states 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 judgment be entered for the sum certified to be due with costs.”
 8. Based on the aforesaid, I allow the application in terms of prayers (1) and (2). As regards interest, I order that the same be payable with effect of the date on each certificate of taxation, as interest is based on the taxed amount and when it was certified. Similarly, the costs of this application are awarded to the applicant.
 9. It is so ordered.

DATED, DELIVERED, SIGNED ON THIS 30TH DAY OF JUNE, 2025.

GRACE L. NZIOKA

JUDGE



In the presence of:-

No parties

Ms. Hannah: court assistant

The decision be communicated

