



Sala and Mudany Advocates v Grace Omondi t/a Nyamtonglo Enterprises (Miscellaneous Application E374 of 2024) [2025] KEHC 9335 (KLR) (30 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9335 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E374 OF 2024**

A MABEYA, J

JUNE 30, 2025

BETWEEN

SALA AND MUDANY ADVOCATES APPLICANT

AND

GRACE OMONDI T/A NYAMTONGLO ENTERPRISES RESPONDENT

RULING

1. This ruling relates to the Motion on Notice dated 13/6/2025. The same was brought under the provisions of section 51 (2) of the *Advocates Act*, Cap 16, Paragraphs 4 & 7 of the Advocates Remuneration (Amendment) Order, 2014 and Section 3A of the *Civil Procedure Act*.
2. The applicant sought judgment for Kshs. 222,093/= in terms of the Certificate of Costs dated 14/05/2025. It also sought interest on the said sum at the rate of 14% per annum, with effect from 28/10/2024, until payment in full as prescribed in paragraph 7 of the Advocates Remuneration Order. Costs were also prayed for.
3. The application is based on grounds set out on the face the Motion and in the supporting affidavit of Jared Sala, Advocate. He deposed that the respondent retained the applicant's law firm to act for it and to defend its interest in Kisumu Small Claims Commercial Case No. E211 of 2022 Grace Omondi T/ A Nyamtonglo Enterprises v Homabay County Assembly & The Clerk, Homabay County Assembly.
4. Subsequently, the applicant filed and served the respondent with a bill of costs dated 28/10/2024. The respondent was served with notices of taxation and on 14/05/2025 the bill was taxed and certified at Kshs. 222,093/= . That it was entitled to interest on the said amount at 14% pa since the date of filing the Bill of Costs as contemplated in Rule 7 of the ARO.



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 his costs at the rate of 14% pa calculated from 30 days after service of the fee note upon the client.

8. I have considered the application, the supporting affidavit and the annexures thereto. It is clear from the record that the respondent was served with the bill of costs dated 28/10/2024. There is also a Certificate of Costs dated 14/05/2025 of Kshs. 222,093/= which has not been challenged by the respondent as it did not oppose the same.

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

10. I find that the application has merit and I allow the same as follows: -

- a. Judgment is hereby entered for the applicant against the respondent for Kshs. 222,093/= together with interest thereon at the rate of 14% pa from 28/11/2024 until payment in full.
- b. Costs of the application assessed at Kshs.10,000/- is awarded to the applicant.

It is so ordered.

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

A. MABEYA, FCI Arb

JUDGE

