



**Kinyanjui Njuguna & Co Advocates v Corporate Insurance Co Ltd (Miscellaneous Application E149 of 2024 & Civil Miscellaneous Application E112, E116, E139 & E144 of 2024 (Consolidated)) [2025] KEHC 9309 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9309 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIVASHA**

**MISCELLANEOUS APPLICATION E149 OF 2024 & CIVIL MISCELLANEOUS APPLICATION E112, E116, E139 & E144 OF 2024 (CONSOLIDATED)**

**GL NZIOKA, J**

**JUNE 27, 2025**

**BETWEEN**

**KINYANJUI NJUGUNA & CO ADVOCATES ..... APPLICANT**

**AND**

**CORPORATE INSURANCE CO LTD ..... RESPONDENT**

**RULING**

1. By a notice of motion application dated 9<sup>th</sup> June 2025, brought under the provisions of Order 51 Rule 1 of the *Civil Procedure Rules, 2010*, section 51(2) of the *Advocates Act* (Cap 16) Laws of Kenya, Order 7 of the *Advocates (Remuneration) Order* (Under section 48) of the *Advocates Act* (Cap 16) Laws of Kenya and the applicant is seeking for the following orders: -
  - a. That the Honourable court be pleased consolidate the instant matter with, Naivasha HC Misc Application No. E116 OF 2024 Naivasha HC Misc Application No. E112 OF 2024 Naivasha HC Misc Application No. E139 OF 2024 Naivasha HC Misc Application No. E107 OF 2024 Naivasha HC Misc Application No. E144 OF 2024
  - b. That pursuant to prayer 1 above the Honourable court be pleased to enter judgment/decree for Kshs. 1,018,879.5 tabulated as hereunder;  
Naivasha HC Misc Application No. E149 OF 2024 Kshs 88,100  
Naivasha HC Misc Application No. E116 OF 2024 Kshs 49,919  
Naivasha HC Misc Application No. E112 OF 2024 Kshs 259,433.5  
Naivasha HC Misc Application No. E139 OF 2024 Kshs 244,060  
Naivasha HC Misc Application No. E107 OF 2024 Kshs 122,995



- c. That the interest be provided for at 14% per annum from 03/06/2022 until payment in full.
- d. That the cost of the application be awarded to the applicant.
2. The application is supported by the grounds thereto and an affidavit of the even date, sworn by Kinyanjui Theuri an Advocate of the High Court practicing in the applicant's firm.
3. He avers that, certificates of taxation have been issued in respect of the amount claimed and the same annexed to the affidavit in support of this application. However, the respondent has continually failed to pay the legal fees despite demand and notice thereof.
4. That the applicant is entitled to the fees duly earned in the course of service in line with the Advocates Remuneration Order. Further, the respondent does not dispute the taxed sums and that the application is made in the sole interest of justice and should be allowed as prayed.
5. Upon considering the application, the court ordered that, it be served for hearing inter parties hearing. The respondent was served but did not file a response to the application. Consequently, the application is deemed to be unopposed.
6. Be that as it were, I note that, the applicant has availed all the certificates of taxation, in relation to all the consolidated matters totaling a sum of Kshs 1,018,879.50. I also note that there is no dispute herein on retainer and neither have the subject certificates of taxation been varied or set aside.
7. As a result, I enter judgment in favour of the applicant in the sum of Kshs 1,018,879.50 as prayed.
8. As regards interest, I note that the bills of costs were filed, taxed, and certificates of taxation issued between the months of December 2024 to March 2025. Apparently amended certificates of taxation were signed as late as in the month of June 2025.
9. Similarly, the letters that, the applicant is referring to as having notified the respondent of the taxed amount are actually letters that were sent after judgment was entered in the primary suits in the trial court and before taxation.
10. It is the considered opinion of this court that, no letter has been availed to prove demand of the taxed sum after taxation. Consequently, interest on the sum awarded herein will accrue from the date of service of the respective applications herein upon the respondent, especially taking into account that the ruling of the taxation was delivered in the absence of the respondent.
11. It is so ordered

**DATED, DELIVERED, AND SIGNED ON THIS 27<sup>TH</sup> DAY OF JUNE 2025**

**GRACE L. NZIOKA**

**JUDGE**

In the presence of:

Mr. Mabeya for the applicant

N/A for the respondent

Ms. Hannah: court assistant

