



**Ngaywa & Kibet Partners LLP v Monarch Insurance Company
Limited (Civil Miscellaneous Application E127, E126 & E129 of 2023
(Consolidated)) [2025] KEHC 9323 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9323 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CIVIL MISCELLANEOUS APPLICATION E127, E126 & E129 OF 2023 (CONSOLIDATED)
GL NZIOKA, J
JUNE 27, 2025**

BETWEEN

NGAYWA & KIBET PARTNERS LLP APPLICANT

AND

THE MONARCH INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. By a notice of motion application dated 8th November 2024, the applicant is seeking for the following orders: -
 - a. That this matter be consolidated with Naivasha HCCMISC E126 & E129 of 2023 *Ngaywa & Kibet Partners LLP v Monarch Insurance Company Limited*.
 - b. That the order of the Honourable Judge made on 12th March 2024 dismissing the applicant's applications dated 7th December 2023 and all consequential orders be reviewed and/or set aside.
 - c. That the Advocates/applicant's applications dated 7th December 2023 be reinstated for hearing and determination on merit.
 - d. That judgment be entered in favour of the applicants against the respondent in the sum of Seven Hundred and Forty-One Thousand and Ninety-Seven (Kshs. 741,007).
 - e. That the respondent do pay to the applicant costs of this application together with interest on the taxed sum.
2. The application is based on the grounds thereto and affidavit of the even date sworn by Moses Ngaywa, an Advocate of the High Court who has conduct of this matter on behalf of the applicant.



3. He avers that, the respondent instructed the applicant's firm to act for it in the cases of;
 - a. CMCC No. E199 of 2019; *Moses Ndirangu Gitau – v- John Ruciu & Rahab Wanjiku Kimani at Naivasha*;
 - b. CMCC No. 424 of 2020; *Moses Ndirangu Gitau – v- John Ruciu & Rahab Wanjiku*; and
 - c. CMCC No. 202 of 2019; *James Kariuki Michuki – v- Kimani Wanjiru Rahab Rugu Kimani*.
4. That after acting, the respondent refused and/or neglected to settle the applicant's legal fees necessitating the filings of bills of costs *vide* High Court Miscellaneous applications, No.(s); E126, E127 and E129 of 2023 in the sum of; Kshs 221,934, Kshs 276,834 and Kshs 242,239 respectively.
5. The applicant avers that despite knowledge of the taxed amounts, the respondent has refused, failed and/or neglected to settle the taxed amount.
6. That in the circumstances, it is only fair that, application be allowed as prayed.
7. On 16th January 2025, the court ordered that the application be served and a response to be filed within fourteen (14) days. The matter was stood over to 13th February 2025. On that date, the court was informed that, the respondent had not been served, consequently, the matter was stood over to 1st April 2025.
8. On 1st April 2025, the court was informed that, the respondent had filed a replying affidavit. The matter was stood over to 14th May 2025, as the applicant was absent. On that date, the court ordered the application be heard orally on 12th June 2025. On that date, the respondent did not appear in court.
9. I have considered the application in the light of the material before the court, in particular, the respondent's replying affidavit dated 26th March 2025, wherein the respondent states that, they are not opposed to the consolidation of the matter as prayed.
10. That, it is not in bad faith that, the respondent has failed to settle the legal fees, but the failure has been occasioned by the company's restructuring.
11. That it is the intention of the respondent, to engage the applicant with a view to including the present matter(s) within the framework of the existing agreement to ensure a structured and systematic settlement of the legal fees in question through a mutually agreed payment.
12. Pursuant to the afore, it is evidence that the application is not opposed as the respondent is not disputing liability to pay the sums taxed in favour of the applicant. Furthermore, there is no dispute to retainer and neither have the subject certificates been set aside or varied.
13. To support its application, the applicant has availed all the certificates of taxation. Consequently, I allow the application as prayed in the sum of Kshs 741,097 (although the amount in figures in the application is wrong). The interest on the sum awarded shall run from the 24th day of November 2023, when demand was made for payment and not honoured.
14. It is so ordered.

DATED, DELIVERED AND SIGNED ON THIS 27TH DAY OF JUNE 2025.

GRACE L. NZIOKA

JUDGE

In the presence of:



No parties.

The decision be transmitted to the parties.

GRACE L. NZIOKA

JUDGE

