



REPUBLIC OF KENYA



Njeri v Guchora (Civil Appeal E006 of 2020) [2025] KEHC 9560 (KLR) (27 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9560 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E006 OF 2020**

A MSHILA, J

JUNE 27, 2025

BETWEEN

CHARLES NJOROGE NJERI APPELLANT

AND

JOSEPH KAROMO GUCHORA RESPONDENT

RULING

Background

1. The Application is a Notice of Motion dated 20TH January, 2025 brought under Sections 3A of the [Civil Procedure Act](#) and all other enabling provisions of the law; the Applicant seeks for orders inter-alia that;
 - a. The Ruling dated 14/08/2024 be adopted as a final Judgment of this Court and judgment be entered in favour of the Applicant for the sum of Kshs.121,850/-
 - b. Costs of this Application be borne by the Respondent/Appellant.
2. The Application was premised on the grounds on the face of the application and supported by the sworn Affidavit of Joseph Karomo Guchera who stated that the Party and Party Bill of Costs was taxed and allowed against the Appellants in the sum of Kshs.121,850/- and a Certificate of Taxation issued on 15th November, 2024.
3. The Ruling of the Taxing Officer delivered has not been reviewed and/or set aside. The Appellant has not objected to the taxation, neither did it file a reference against the Certificate of Taxation and has not settled the amount thereof.

Issues for Determination

4. After considering the Application the court has framed the following issues for determination:



- a. Whether judgment should be entered for the Applicant against the Respondent/Appellant as per Certificate of Taxation herein issued on 15th November, 2025.
- b. Whether costs should be awarded;

Analysis

Whether judgment should be entered for the Applicant against the Respondent/Appellant as per Certificate of Taxation herein dated 15th November, 2025;

5. In determining whether the court should adopt the amount on the Certificate of Taxation as the judgment of the court it should be satisfied that the certificate of taxation has not been set aside.
6. Reference is made to the case of *Lubullellab & Associates Advocates Vs N. K. Brothers Limited* (2014) eKLR where the court observed that:-

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of Costs and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter judgment. An applicant is not required to file suit for the recovery of costs. The certificate of costs is final as to the amounts of the costs and the court would be quite in order to enter judgment in favour of the Applicant against the Respondent herein for the taxed sum indicated in the Certificate of Taxation that was issued on 25th November 2012.”

7. From perusal of the court record this court is satisfied that the Ruling is uncontested as the Respondent/Appellant has not moved any court by way of filing a Reference against the ruling nor has the Ruling been set aside, altered, varied and / or reviewed, nor has any appeal been filed.
8. Therefore, no other action is required from this court save to enter judgment as prayed against the Respondent/Appellant.

Whether costs should be awarded

9. The Applicant seeks the court to grant him costs. The general rule is that the costs follow the event; In this instance Certificate of Taxation which relates to the issue of costs has been adopted as a judgment of this Court; An award for further costs of the application is at the discretion of the Court; in this instance instead of subjecting the Respondent/Appellant to another barrage of costs and so as to bring closure to this matter each party shall bear their own costs.

Findings and Determination

10. In the light of the foregoing this court makes the following findings and determinations;
 - i. The Application dated 20th January, 2025 is found to be partially meritorious;
 - ii. The Certificate of Taxation issued on 15/11/2025 in the sum of Kshs.121,850/- is hereby adopted as a Judgment of this Court.
 - iii. Each party to bear their own costs of this application.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 27th DAY OF JUNE, 2025.

A. MSHILA



JUDGE

In the presence of;

Sanja – Court Assistant

Joseph - the Applicant – present in person

Charles – the Respondent – present in person

