



Otieno t/aOmondi Otieno & Associates Advocates v Elyco Motors Limited (Commercial Miscellaneous Application E012 of 2025) [2025] KEHC 9267 (KLR) (27 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9267 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
COMMERCIAL MISCELLANEOUS APPLICATION E012 OF 2025**

A MABEYA, J

JUNE 27, 2025

BETWEEN

**BRIAN OTIENO T/AOMONDI OTIENO & ASSOCIATES
ADVOCATES APPLICANT**

AND

ELYCO MOTORS LIMITED RESPONDENT

RULING

1. By a Motion on Notice dated 9/6/2025, the Advocate applied for Judgment for Kshs.89,402/- against the respondent. The Motion was brought under section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya.
2. The basis for seeking judgment was that it was in terms of a Certificate of Costs dated 29/5/2025. The Advocate also sought interest at the rate of 14% per annum from 7/4/2025 until payment in full.
3. In the Supporting affidavit sworn by Brian Otieno on 9/6/2025, it was contended that the Advocates fees became due on 7/4/2025 when the bill of costs was served upon the client.
4. The said bill of costs was taxed on 29/5/2025 and a Certificate of Costs for Kshs.89,402/- issued on 29/5/2025. That it was imperative that judgment be entered in terms thereof to enable the Advocate recover his costs.
5. I have considered the record. I have also considered the oral submissions of Brian Otieno and Mr. Onyango. I have seen a copy of the Certificate of Costs dated 29/5/2025. It is for Kshs.89,402/-.
6. 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.”

7. From the foregoing, it is clear that an Advocate is entitled to judgment on the amount certified after a taxation of an advocate-client bill of costs. That Certificate must not have been varied or set aside. In the present case, it was averred and not denied that the said certificate of costs has not been varied or set aside.
8. On the 14% interest, this is awardable from 30 days after service of a fee note by an advocate upon his client. In this case, it was averred and not denied that the bill of costs was served on 7/4/2025. Accordingly, interest shall start to apply from 8/5/2025.
9. Accordingly, I allow the application. Judgment is entered for the applicant/advocate against the respondent/client for Kshs.89,402/- together with interest at 14% p.a from 8/5/2025 until payment in full. Each party to bear own costs.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 27TH DAY OF JUNE, 2025.

A. MABEYA, FCI Arb

JUDGE

