



Peter M Karanja Advocate v Sammy Traders Limited (Civil Miscellaneous Application E292 of 2024) [2025] KEHC 9268 (KLR) (27 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9268 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL MISCELLANEOUS APPLICATION E292 OF 2024**

A MABEYA, J

JUNE 27, 2025

BETWEEN

PETER M KARANJA ADVOCATE APPLICANT

AND

SAMMY TRADERS LIMITED RESPONDENT

RULING

1. By a Motion on Notice dated 9/4/2024, the Advocate applied for Judgment for Kshs.268,549/- 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 13/2/2025. The Advocate also sought interest on those costs at court rate from 11/6/2021 until payment in full.
3. In the Supporting affidavit sworn by Peter M. Karanja on 9/4/2025, it was contended that the advocate's fees became due on 11/6/2021 when the Advocates fee note was delivered to the client. A copy of the fee note of that date was produced.
4. The bill of costs dated 6/8/2024 was taxed on 13/2/2025 and a Certificate of Costs for Kshs.268,549/- was issued on the same date. 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 Mr. Karanja and Ms. Oyoko. I have seen a copy of the Certificate of Costs dated 13/2/2025. It is for Kshs.268,549/-.
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, there was an averment in the supporting affidavit that the aforesaid Certificate of Costs had not been varied or set aside. The respondent did not oppose it but opposed the interest claimed and asked to be allowed to pay by instalments.
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, there was evidence that such a fee note was raised and served on 16/6/2021. Accordingly, under Rule 7 of the Advocates Remuneration Order, that interest is chargeable after 30 days of service.
9. The filing and abandonment of the Notice of objection by the Advocate In this matter cannot be a bar to this application under section 51(2) of the Advocates Act.
10. In this regard, the time for interest will run 30 days from 17/6/2021. As to payment by instalment, that application can be made either orally or formally after judgment has been entered.
11. Accordingly, I allow the application. Judgment is entered for the applicant/advocate against the respondent/client for Kshs.268,549/- together with interest at 14% p.a from 17/6/2021 until payment in full.

It is so ordered.

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

A. MABEYA, FCI Arb

JUDGE

