



Kinyua & Maingi Advocates v Trident Insurance Company Limited (Miscellaneous Civil Application E121 of 2023) [2025] KEHC 9248 (KLR) (26 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9248 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
MISCELLANEOUS CIVIL APPLICATION E121 OF 2023**

**TW OUYA, J
JUNE 26, 2025**

BETWEEN

KINYUA & MAINGI ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. Before court is a Notice of Motion application by Kinyua Maingi and Company Advocates dated 21st January 2025. The application is brought under section 51(2) of the [Advocates Act](#) Chapter 16 Laws of Kenya seeking for orders that:
 - a. That judgment entered in favor of the Applicant against the Respondent for the sum of Kenya Shillings One Hundred and sixty-eight Thousand Seven Hundred and forty (Kshs. 168,740) only being the certified costs due to the Applicant as against the Respondent
 - b. That the Respondent does pay to the Applicant the costs of this application together with interest on the taxed sum.
2. The application is supported by grounds and affidavit sworn by Njoki Kinyua Advocate on 21st January 2025 to the effect that:
 - a. The advocate – Client costs due to the Applicant herein have been taxed at Kenya Shillings One Hundred and sixty-eight Thousand Seven Hundred and forty (Kshs. 168,740) only, in favor of the Applicant as against the Respondent and a certificate of taxation issued to that effect.
 - b. The Respondent has neglected, refused and/or failed to settle the taxed costs.
 - c. There is no dispute that the Respondent retained the Applicant herein as their advocate in respect of which advocate –client’s costs were taxed herein.



- d. That it is only fair in the circumstances that judgement be entered for the amount of Kenya Shillings One Hundred and sixty-eight Thousand Seven Hundred and forty (Kshs. 168,740) only being the sum certified to be due to the applicant herein.
- e. A certificate of Taxation dated 10th June 2021 is attached.
3. This court takes note that the instant application, hearing notice and submissions were served upon the Respondent but failed to yield any response neither did the Respondent to appear in court.
4. Vide submissions dated 2nd April 2025, the applicant urges the court to grant the orders as prayed.
5. The issue before this court is a prayer for Judgement to be entered in favor of the Applicant against the Respondent for the sum of Kenya Shillings One Hundred and sixty-eight Thousand Seven Hundred and forty (Kshs. 168,740) only, being the certified costs due to the applicant against the Respondent.
6. Section 51(2) of the Advocates Acts 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. Taking into account the existence of the certificate of taxation by Hon. M. E Analo the Deputy Registrar High Court Murang’a dated 19th September 2024, this court hereby grants the orders as prayed together with the costs of this application.

DATED, SIGNED AND DELIVERED ELECTRONICALLY THIS 26TH DAY OF JUNE, 2025.

HON. T. W. OUYA

JUDGE

