



**Eric Ntabo & Co Advocates v Trident Insurance Co Limited (Miscellaneous Application E075 of 2024) [2025] KEHC 8961 (KLR) (25 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8961 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
MISCELLANEOUS APPLICATION E075 OF 2024**

**TW OUYA, J  
JUNE 25, 2025**

**BETWEEN**

**ERIC NTABO & CO ADVOCATES ..... APPLICANT**

**AND**

**TRIDENT INSURANCE CO LIMITED ..... RESPONDENT**

**RULING**

1. Before court is a Notice of Motion application by Kinyua Maingi and Company Advocates dated 13<sup>th</sup> December 2024. 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 kshs. 159,575 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 Eric Nyarangi Ntabo Advocate on 13<sup>th</sup> December 2024 to the effect that:
  - a. The advocate – Client costs due to the Applicant herein have been taxed at kshs. 159,575 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 kshs. 159,575 only being the sum certified to be due to the applicant herein.
  - e. A certificate of Taxation by Hon. E Analo Deputy Registrar dated 11<sup>th</sup> October 2024 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 Respondent1 appear in court.
  4. Vide oral submissions on 23<sup>rd</sup> June 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 kshs. 159,575 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 19<sup>th</sup> September 2024, this court hereby grants orders 1 and 2 as prayed. The costs of this application to be determined upon taxation.

**DATED, SIGNED AND DELIVERED ELECTRONICALLY THIS 25<sup>TH</sup> DAY OF JUNE, 2025.**

**HON. T. W. OUYA**

**JUDGE**

