



REPUBLIC OF KENYA



Gitobu Imanyara & Co Advocates v Chege & 3 others (Miscellaneous Application E023 of 2020) [2025] KEHC 12255 (KLR) (Family) (29 August 2025) (Ruling)

Neutral citation: [2025] KEHC 12255 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS APPLICATION E023 OF 2020
H NAMISI, J
AUGUST 29, 2025**

BETWEEN

GITOBU IMANYARA & CO ADVOCATES APPLICANT

AND

**FRANCIS CHEGE, JOSEPH MACHARIA, JAMES KIHARA & DEDAN
MATHENGE RESPONDENT**

RULING

1. The Applicant's Notice of Motion dated 20 May 2025 seeks the following orders:
 - i. Spent;
 - ii. That Judgment for the sum of Kshs 4,172,058 plus accrued interest thereon at 14% p.a from 17 August 2020 until payment in full be entered in favor of the Applicant as against the Respondents jointly and severally;
 - iii. That the costs of this Application be provided for.
2. The Application is supported by the Affidavit of Gitobu Imanyara, Advocate. The Advocate/Client Bill of Costs filed on 17 August 2020 was taxed in the sum of Kshs 4,172,058/= and a Certificate of Taxation dated 25 April 2025 subsequently issued. No appeal has been filed against the said Certificate.
3. The Respondents did not participate in the Application. The undated Return of service was duly filed demonstrating that service was effected on May 26, 2025. I am satisfied that the Respondents were properly served.



4. In the case of *Musyoka & Wambua Advocates v Rustam Hira Advocate* (2006) eKLR it was held thus:

“Section 51 of the *Act* makes general provisions as to taxation, as the marginal note indicates. One of those provisions is that the court has discretion to enter judgment on a Certificate of Taxation which has not been set aside or altered, where there is no dispute as to retainer. This in my view is a mode of recovery of taxed costs provided by law, in addition to filing of suit.....”

5. Having read the Application and Supporting Affidavit, I am of the considered view that the same is merited. The Application is allowed and I make the following orders:

- i. Judgement is hereby entered for the Applicant against the Respondents, jointly and severally, in terms of the Certificate of Costs dated 25 April 2025 for Kshs 4,172,058/=.
- ii. Interest thereon is awarded at the rate of 14% per annum from 25 April 2025 until payment in full.
- iii. The Applicant is awarded costs assessed at Kshs 30,000/=.

DATED AND DELIVERED AT NAIROBI THIS 29 DAY OF AUGUST 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: Mr. Njoroge

For 2nd Respondent: Ms. Oketch

For 1, 3 & 4 Respondents: N/A

Court Assistant: Lucy Mwangi

