Kariuki t/a Kiarie Kariuki & Company Advocates v Monarch Insurance Company Limited (Miscellaneous Application E037 of 2022) [2024] KEHC 1888 (KLR) (27 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1888 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT VOI

MISCELLANEOUS APPLICATION E037 OF 2022

GMA DULU, J

FEBRUARY 27, 2024

BETWEEN

KIARIE KARIUKI T/A A KIARIE KARIUKI & COMPANY ADVOCATES ..... APPLICANT

AND

MONARCH INSURANCE COMPANY LIMITED ..... RESPONDENT

RULING

1. Before me is a Notice of Motion dated 9th June 2023 filed by Kiarie Kariuki & Company Advocates under Section 51 (2) of the *Advocates Act* and paragraph 7 of the *Advocates Remuneration Order* (cap.16) Laws of Kenya.

2. The application seeks entry of judgment in favour of the advocates firm for taxed costs, and interest at the rate of 16% per annum from 9th February 2023 until payment in full, together with costs.

3. The application has grounds on the face of the Notice of Motion that judgment was delivered in Voi SRMCC No. 4 of 2018 on 26th September 2019, and that on 8th February 2023 the Taxing Officer assessed the Bill of Costs at the sum of Kshs. 131,604.50 and a Certificate of Taxation issued in favour of the advocate.

4. The application was filed with a supporting affidavit sworn by Kiarie Kariuki on 9th June 2023 amplifying the grounds of the application.

5. Though on 5th October 2023 Mr. Onduso appeared for the respondents, and was given time to file a response to the application, no response was filed.

6. The application herein thus not being opposed, I find no basis for not granting the orders sought.

7. Consequently, I allow the application and order as follows:-

i. Judgment is hereby entered in favour of Kiarie Kariuki & Company Advocates against the respondent for the sum of Kshs. 131,604.50 together with interest at the rate of 16% per annum from 9th day of February 2023 until payment in full.

ii. The costs of this application will be borne by the respondent.

DATED, SIGNED AND DELIVERED THIS 27TH DAY OF FEBRUARY 2024 AT VOI IN OPEN COURT VIRTUALLY.

GEORGE DULU

JUDGE

In the presence of:-

Alfred – Court Assistant

Ms. Layoo for applicant

Mr. Onduso for respondent