



REPUBLIC OF KENYA



**Olel, Onyango Ingutiah & Co. Advocates v Ronga (Environment and Land Miscellaneous Application 23 of 2021) [2023] KEELC 767 (KLR) (16 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 767 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISUMU  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION 23 OF 2021**

**E ASATI, J**

**FEBRUARY 16, 2023**

**BETWEEN**

**OLEL, ONYANGO INGUTIAH & CO. ADVOCATES ..... APPLICANT**

**AND**

**JOHN OMWARE RONGA ..... RESPONDENT**

**RULING**

1. The application before court for determination is the Applicant's Notice of Motion dated July 14, 2022 brought pursuant to the provisions of Section 1A, 1B, 3, 3A, 27(2), 63(e) of the [Civil Procedure Act](#), Order 51 Rule 1 of the [Civil Procedure Rules 2010](#) and Section 51(2) of the [Advocates Act](#). It seeks for orders that;
  - a) The court adopts the certificate of costs dated February 28, 2022 in the sum of Kshs 191,829.78 in relation to the advocate-client Bill of Costs dated December 19, 2017 as the judgement and decision of this court.
  - b) That the interest on taxed costs be awarded at 14% per annum from May 10, 2018 till payment in full.
  - c) That the costs of this application be awarded to the Applicant.
2. The grounds upon which the application is brought as contained in the Notice of Motion and the Supporting Affidavit are that the Applicant's costs were assessed at Kshs 191,829.78 and a Certificate of Cost issued on February 28, 2022. That the said costs remain unpaid.

That the Applicant who is a firm of Advocates had represented the Respondent in Kisumu ELC Suit No 802 of 2015 (Formerly HCCC No 22 of 2008) and due to the Respondent's failure to pay legal fees, the Applicant ceased acting and had its fees taxed as per the certificate of costs dated February 28, 2018 annexed to the application and marked FRO1. That the certificate of costs has not been challenged,



disputed or set aside or appealed against. That filing a suit for the recovery of the fees/costs would only escalate unnecessary expenses for both parties and result in a multiplicity of actions.

3. The application was unopposed.
4. I have considered the application, Supporting Affidavit and annexures thereto and in light of the law pursuant to which the same is brought and particularly section 51 (2) of the *Advocates Act*. Section 51(2) of the *advocates Act* empowers the court to make orders that judgement be entered for the sum certified to be the due costs. I am satisfied that the application has merit. I allow the application and enter judgement in favour of the applicant on the basis of the certificate of costs dated February 28, 2022 for Kshs 191,829.78 (Kenya Shillings one hundred and ninety-one thousand eight hundred and twenty-nine and seventy-eight cents), cost of the present application and interest at court rates from the date of certificate of taxation till payment in full.

Orders accordingly.

**RULING DATED AND SIGNED AT KISUMU, DELIVERED VIRTUALLY THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2023 THROUGH MICROSOFT TEAMS VIDEO CONFERENCING PLATFORM.**

**E. ASATI**

**JUDGE.**

**In the presence of:**

**Maureen: Court Assistant.**

**for the Applicant/Advocate**

**for the Respondent/Client**

