



Republic v Ounda & 4 others; Brian Njau & Co. Advocates (Exparte Applicant) (Judicial Review Miscellaneous Application E021 of 2023) [2024] KEHC 8076 (KLR) (Judicial Review) (27 June 2024) (Ruling)

Neutral citation: [2024] KEHC 8076 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E021 OF 2023**

JM CHIGITI, J

JUNE 27, 2024

BETWEEN

REPUBLIC APPLICANT

AND

NICHOLAS OUMA OUNDA 1ST RESPONDENT

MATILDA ACHIENG AIYERA 2ND RESPONDENT

RICHARD OMUMA OUGUINDI 3RD RESPONDENT

DENNIS OKIDI 4TH RESPONDENT

MAURICE OTIENO 5TH RESPONDENT

AND

BRIAN NJAU & CO. ADVOCATES EXPARTE APPLICANT

RULING

1. The application before this court is the one dated 8th February, 2024 wherein the applicant seeks ORDERS:
 - a. Spent.
 - b. That the Honourable Court be pleased to adopt and enter Judgment for the Applicant/ Advocate against the Respondents/Clients for the sum of Kshs. 883,866.301= as appears on the Certificate of Taxation dated 8th November 2023 with interest on the taxed amount at the



rate of fourteen (14%) per cent per annum calculable after thirty (30) days from service of the Bill of Costs being 14th March 2023, until payment in full.

- c. That the Applicant/Advocate be allowed to execute the Judgment against the Respondents/Clients.
 - d. That costs of this Application be borne by the Respondents/Clients.
2. The Applicant/Advocate filed a Bill of Costs dated 2nd March 2023 which was thereafter at Kshs. 883,866.301= on 31st October 2023.
 3. A Certificate of Taxation dated 13th November 2023 in favour of the Applicant for the sum of Kshs. 883,866.30/=.
 4. That pursuant to Paragraph 7 of the Advocates (Remuneration) Order the Applicant is entitled to charge interest at (14%) per cent per annum calculable after thirty (30) days from service of the Bill of Costs being 14th March 2023, until payment in full.
 5. The Ruling delivered on 9th October 2023, Ruling delivered on 31st October 2023 and Certificate of Taxation dated 8th November 2023 but have deliberately failed and/or neglected to settle the same.
 6. Section 51(2) of the *Advocates Act*, the Certificate of Taxation dated 8th November 2023 ought to be adopted and entered as Judgment prior to legally commencing the execution process.
 7. The Application is not opposed.
 8. In the case of *Otieno t/a OM Otieno & Co Advocates v African Merchant Assurance Company Limited; Lubullellah & Associates Advocates vs N.K. Brothers Limited* 120141eKLR which was cited by the Court of Appeal in the case of *Otieno, Ragot & Company Advocates vs Kenya Airports Authority* [20211 eKLR, it was held that:

“Once a certificate of costs was issued and there was no reference against the decision of the taxing master, and the certificate of costs had not been set aside and/or altered, no other action was required save for entry of judgment by the court and that no suit for recovery of costs was required.”
 9. The Applicant also sought an order that the Applicant/Advocate be allowed to execute the Judgment against the Respondents/Clients.
 10. The applicant is at liberty to initiate appropriate execution proceedings.

Costs:

11. Costs follow the event and it is this court’s finding that the applicant is entitled to costs

Disposition:

12. It is this court’s finding and I so hold that the applicant has made out a case for the grant of the order sort.

Order:

- 13.



1. Judgment is hereby entered for the Applicant/Advocate against the Respondents/Clients for the sum of Kshs. 883,866.301= in line with the Certificate of Taxation dated 8th November 2023 with interest on the taxed amount at the rate of fourteen (14%) per cent per annum calculable after thirty (30) days from service of the Bill of Costs being 14th March 2023, until payment in full.
2. Costs to the Applicant.

DATED, SIGNED, AND DELIVERED AT NAIROBI THIS 27TH DAY OF JUNE, 2024.

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CHIGITI. J (SC)

JUDGE

