



REPUBLIC OF KENYA



KENYA LAW
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**Nchekei v Attorney General (Judicial Review E003 of 2022)
[2023] KEHC 22600 (KLR) (27 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22600 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
JUDICIAL REVIEW E003 OF 2022
AK NDUNG’U, J
SEPTEMBER 27, 2023
IN THE MATTER OF APPLICATION FOR LEAVE TO FILE
APPLICATION FOR JUDICIAL REVIEW PROCEEDINGS FOR AN
ORDER OF MANDAMUS
AND
IN THE MATTER OF GOVERNMENT PROCEEDINGS ACT CAP 20
LAWS OF KENYA
AND
IN THE MATTER OF SECTION 8 AND 9 OF LAW REFORM ACT
AND
IN THE MATTER OF SATISFACTION OF DECREE IN NANYUKI
CM CIVIL CASE NO. 132 OF 2015**

BETWEEN

LYDIA NCHEKEI EXPARTE APPLICANT

AND

HON. ATTORNEY GENERAL RESPONDENT



RULING

1. The ruling concerns the chamber summons dated November 14, 2022 brought under Order 53 Rule 1 of the *Civil Procedure Rules*. The main relief sought in the chamber summons is leave to apply for judicial review, the specific order to be sought being mandamus –

“to compel the Hon Attorney General to pay, or cause to be paid, the decretal sum of Kshs 831,600/- with interest at 12% per annum from October 08, 2018 until payment in full being the decretal sum in Nanyuki CM Civil Case No 132 of 2015.
2. The application is at the Ex Parte stage. I have read the supporting affidavit and the statement of facts. In a nutshell, it is the Exparte Applicant’s case that she is a judgment debtor in Nanyuki CM Civil Case No 132 of 2015 where she was issued with a decree dated September 23, 2020 for an amount of Kshs 831,600/- inclusive of costs and interests. That the Applicant was subsequently issued with a certificate of order for costs against the government on February 25, 2021 and the Respondent has to date failed, refused and/or ignored to settle the said decretal amount despite relentless demand by the Applicant.
3. In the circumstances, the Applicant has established an arguable case and I accordingly allow the application and grant the leave sought to seek judicial review. Let the substantive application be filed as provided for in Order 53 Rule 3(1) of the *Civil Procedure Rules*. It is so ordered.
4. Costs of this application shall be in the substantive motion.

DATED, SIGNED AND DELIVERED AT NANYUKI THIS 27TH DAY OF SEPTEMBER 2023

A.K. NDUNG’U

JUDGE

