

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL SUIT NO. 3008 OF 1989

HARTWELL J.M. MANZIGHE.....PLAINTIFF

-VERSUS-

THE ATTORNEY GENERAL.....DEFENDANT

RULING

1. The plaintiff/applicant herein, took out the motion dated 2nd December 2021 whereof he sought to be issued with a certificate of order against the government in the execution of the decree. The plaintiff filed the affidavit he swore in support of the motion. The application was served upon the Hon. Attorney General but that never elicited any response hence the plaintiff/applicant was allowed to prosecute the motion exparte.

2. I have considered the grounds stated on the face of the motion dated 2nd December 2021 plus the facts deponed in the supporting affidavit. I have further considered the oral submissions made by learned counsel.

3. It is the averment of the applicant that judgment against the government was delivered on 24th November 2021 and that execution cannot issue under Section 21 of the Government Proceedings Act unless a certificate of order against the Government is issued.

4. It is not in dispute that judgment in favour of the plaintiff and against the defendant in the sum of ksh.42,175/= was made on 24th November 2021.

5. Under section 21 (1) of the Government Proceedings Act, where any order is made by any court in favour of any person against the government, a certificate in the prescribed form containing particulars of the order shall be issued upon an application made by a party at any time after the expiry of 21 days from the date of the order.

6. It is apparent that more than 21 days have since lapsed from the date of judgement. I am satisfied that the plaintiff is entitled to the order sought. The motion dated 2.12.2021 is allowed. Consequently a certificate of order against the government in sum of ksh.42,175 is issued.

**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 18TH DAY OF
FEBRUARY, 2022**

.....

J. K. SERGON

JUDGE

In the presence of:

..... for the Plaintiff

..... for the Defendant