



Republic v County Secretary County Government of Kisumu & 2 others (Judicial Review Application 12 of 2021) [2022] KEHC 14242 (KLR) (22 September 2022) (Ruling)

Neutral citation: [2022] KEHC 14242 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
JUDICIAL REVIEW APPLICATION 12 OF 2021**

RE ABURILI, J

SEPTEMBER 22, 2022

IN THE MATTER OF AN APPLICATION BY OTIENO, RAGOT & CO ADVOCATES

AND

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL
REVIEW BY WAY OF MANDAMUS PURSUANT TO LEAVE
GRANTED IN KISUMU HC MISC APPLICATION NO 5 OF 2021**

AND

**IN THE MATTER OF SECTIONS 2, 103, 147 & 148 OF
THE PUBLIC FINANCE MANAGEMENT ACT, 2012**

AND

IN THE MATTER OF SECTION 44 & 45 OF THE COUNTY GOVERNMENTS ACT, 2012

AND

**IN THE MATTER OF GOVERNMENT
PROCEEDINGS ACT, CHAPTER 40, LAWS OF KENYA**

AND

IN THE MATTER OF ARTICLES 10, 23 & 41 OF THE CONSTITUTION OF KENYA

BETWEEN

REPUBLIC APPLICANT

AND

**COUNTY SECRETARY COUNTY GOVERNMENT OF KISUMU 1ST
RESPONDENT**

**COUNTY EXECUTIVE MEMBER FOR FINANCE COUNTY GOVERNMENT
OF KISUMU 2ND RESPONDENT**



RULING

1. I have considered the application dated 1st December 2021, the Grounds thereof and the Supporting Affidavit and annexures thereto.
2. The Respondents were served with the application as shown by the Affidavit of Service filed herein but there is no response thereto. The applicant has demonstrated that there is a decree and Certificate of Order against the Government on the Taxed Costs issued and served upon the Respondents which decree has not been settled.
3. I am satisfied that the application is meritorious. I allow the application dated 1st December 2021 filed by way of Chamber Summons and grant leave to the applicant to file a substantive motion for Judicial Review Orders of Mandamus to compel the Respondents to settle decree against them in favour of the applicant.
4. The main motion shall be filed and served within 21 days of today in default, the leave granted lapses. The main motion shall be accompanied by a certified copy of this Ruling and order.
5. Costs shall be in the main motion. Orders accordingly.
6. This file is hereby closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 22ND DAY OF SEPTEMBER 2022

R. E. ABURILI

JUDGE

