



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

JUDICIAL REVIEW NO.15 OF 2019

REPUBLIC..... APPLICANT

AND

PRINCIPAL SECRETARY OF THE PRESIDENT

MINISTRY OF INTERIOR AND COORDINATION OF

NATIONAL GOVERNMENT.....1ST RESPONDENT

ATTORNEY GENERAL..... 2ND RESPONDENT

EX PARTE

SUSAN NYATHIRA..... SUBJECT

RULING

1. The subject herein filed application dated 20th November 2019. It seeks an order of *mandamus* to issue compelling the 1st respondent to pay the applicant a sum of kshs 873,879.00 made up as follows:-

i. Decretal sum of kshs 200,000 as ordered by court on 2nd July 2015

ii. **Interest on decretal amount from the date of judgment 2nd July 2015 to 2nd July 2019 at courts rate of 14% being kshs 112,000**

iii. **Costs of kshs 561,879.00 as taxed on 31st January 2016**

2. The applicant seek that if in default of payment within 30 days from the date of judgment of review proceedings, the 1st respondent be held in contempt of court and be held liable for breach and disobedience of court orders.

3. That the certificate of order against the Government has been served on numerous occasions but they have failed to obey the orders.

4. Further that the respondents are aware of the proceedings, judgments and post judgment pleadings, as they have been served with the said pleadings.

5. That the respondents failed to respond to the certificate of order as served upon them and letters reminding them to pay the decretal amount and attendant costs and the delay is causing anguish to the applicant and it is in the interest of justice to have the applicant paid; that the application is premised on the statement of claim accompanying leave and attendant affidavit in verification thereof.

6. The statement of claim accompanying the application restate the grounds of the face of the application.

7. Applicant in affidavit dated 3rd July 2019 adopted grounds set out in the application and statement of facts accompanying the application. She averred that there has been laxity on part of both respondents to see to it that she is paid.

8. The respondent never filed response to the application

ANALYSIS AND DETERMINATION

9. I note from the proceedings that the respondents were represented in court by counsel **Mr.Ondieki**. No response or submissions were filed by the Attorney General. On 19th February 2020, Mr. Ondieki for the Attorney General said he was leaving it to the court. There is therefore no opposing to prayers sought by the applicant.

10. The applicant attached certificate of order against the Government dated 20th December 2018. It is stamped as received by State Law Office Civil Litigation Registry on 31st January 2019. Certificate of costs for kshs 561,879 dated 31st January 2019 is also attached.

11. In the absence of response to the contrary, I filed that the applicant is entitled to payments of the amount herein from the Government

12. FINAL ORDERS

- 1. An order of mandamus do issue to compel the 1st respondent to pay the applicant kshs 873,978.00**
- 2. Payment to be done within 45 days from the date of this ruling**
- 3. Failure to comply with 1 and 2 above, the 1st respondent to be held in contempt of court and liable for breach and disobedience of court order.**

Ruling dated, signed and delivered via email at Nakuru This 30th day of April 2020.

.....

RACHEL NGETICH JUDGE

TO:

Maragia Advocate Applicant

Attorney General for Respondent