



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

JUDICIAL REVIEW NO.21 OF 2018

LECHORNAI LORKURAN.....APPLICANT

--VERSUS--

PRINCIPAL SECRETARY OFFICE OF THE PRESIDENT

MINISTRY OF INTERIOR AND NATIONAL

COORDINATION OF NATIONAL GOVERNMENT.....RESPONDENT

RULING

1. This is a ruling on application dated **27th September 2018**. The applicant seeks an order of mandamus to compel the 1st respondent to pay the applicant a sum of kshs 2,548,989 made up as follows: -

- a. The decretal amount of kshs 500,000 ordered by the court on 9th day of December 2011.**
- b. Interest from the date of judgment to date at courts rate of 14% being kshs 280,000.**
- c. Costs of kshs 1,144,865.**
- d. Interest on the said amount from the date of taxation at courts rate being kshs.641, 124.40.**

2. The applicant further sought the 1st respondent be held in contempt 30 days after the date of judgment of the review proceedings.

3. Grounds on the face of the application are that the Court granted leave for the instant application and the subject adopts the contents of the affidavit in support of the application seeking leave to file this judicial review.

4. In the affidavit for leave to file judicial review, the applicant averred that these proceedings stem from judgement read on 9th December 2011 and that the second respondent was represented in Court when the judgement was read but there has been laxity on part on both the respondents to see into it that the applicant's dues are paid.

5. He further averred that despite being given over 200 days to respond to the application to explain non-compliance with the Court Orders the respondents have failed to attend Court.

6. The respondents failed to respond to file any response to the application hearing nor file any submissions despite Attorney General's representative having appeared in Court on 24th February 2020 and requested for time to file submissions.

ANALYSIS AND DETERMINATION

7. I have perused annexures to the application hearing and do confirm that in Nakuru High Court Petition Number 7 of 2010, judgement was delivered on 9th December 2011 awarding the applicant kshs. 500,000 for unlawful detention of 10 days and course of the petition. A decree was issued on 29th of August 2013 showing that costs were taxed at kshs.1,144,865.

8. I note from the letter dated 15th October 2014 that the Attorney General was notified of the certificate of order against government on 1st October 2014 to pay within 28 days and therefore allow interest on the award of kshs. 500,000 and costs of kshs. 1,144,865 to start running at Court's rate after 28 days from 1st October 2014.

9. FINAL ORDERS.

1. An order of mandamus does issue to compel the first respondent to pay the applicant as follows:-

a) Kshs. 500,000.

b) Costs of kshs. 1,144,865

c) Interests on a) and b) above at court's rate to run from 28 days after 1st October 2014.

2. Failure to comply after 45 days from the date of this ruling the first respondent to be held in contempt of this Court's Order.

Judgment dated, signed and delivered via zoom at Nakuru this 29th of October 2020

RACHEL NGETICH

JUDGE

In the presence of:

Jeniffer - Court Assistant

Parties - Absent