

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUSIA
JUDICIAL REVIEW NO. 15 OF 2011

REPUBLIC.....APPLICANT

VERSUS

MUNICIPAL COUNCIL OF BUSIA.....1st RESPONDENT

THE CERK, MUNICIPAL COUNCIL OF BUSIA...2nd RESPONDENT

AND

JULIUS ORINA MANWARI.....EX PARTE APPLICANT

AND

COUNTY GOVERNMENT OF BUSIA.....INTERESTED PARTY

RULING

The ex parte applicant moved the court by way of notice of motion dated 7th April, 2016 under sections 1A, 1B,3, 3A,38,40 and 63(e) of the Civil Procedure Act; Order1,Order 22 Rule 31 and Order 51 of the civil procedure Rules,2010; Article 159(2) (b) and (d) of the Constitution of Kenya, 2010; Section 59 of the Urban Areas and Cities Act; section 6(1) of the County Government Act; section 23 (3)(e) of the Interpretation and General Provisions Act cap 2 Laws of Kenya. The parties having compromised the second substantive prayer, the ex parte applicant is seeking orders in terms of prayer three and four as follows:-

3. That notice do issue to the Interested Party's Finance Executive Committee Member as well as the Busia County Secretary, to show cause why they should not be committed to civil jail for failure to pay the decretal sum herein.

4. That there be leave to apply.

I have perused the affidavits by both parties and the submissions by their respective counsel. I have noted that the decretal sum is not disputed. It is only fair therefore for the ex parte applicant to be paid what is due to him.

I accordingly grant the orders sought.

DELIVERED and SIGNED at BUSIA this 22nd day of June, 2017

KIARIE WAWERU KIARIE

JUDGE.