

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW MISC. APPLICATION NO. 511 OF 2015

ERNEST CHERIMO BARAGUPLAINTIFF/EXPARTE APPLICANT

VERSUS

PRINCIPAL SECRETARY MINISTRY

OF AGRICULTURE LIVESTOCK1ST RESPONDENT

ATTORNEY GENRAL.....2ND RESPONDENT/ DEFENDANT

JUDGMENT

1. The Exparte applicant Ernest Cherimo Baragu by his Judicial review application dated 11th February 2016 seeks from this court orders of Judicial Review Mandamus to compel the Principal Secretary Ministry of Agriculture, Livestock & Fisheries to settle decree in CMCC 6883/2003 Nairobi for shs 664,820 plus interest at 12% per annum until payment in full. The respondents were served with the Notice Motion and Chamber Summons for leave and Order but they have not filed any response.

2. I note that judgment in the subordinate court was delivered on 29th January 2008 and decree issued. A certificate of order against the government was also issued on 8th February 2012 and despite the applicant's numerous letters to the Attorney General and the Principal Secretary responsible for Agriculture, Livestock & Fisheries, there has been no response or intimation of intention to settle the decree passed almost ten years ago.

3. In the premise, I am satisfied that the plaintiff /exparte applicant herein has made out a prima facie case on a balance of probabilities that the orders sought are deserved.

4. Accordingly, I hereby grant the Judicial Review Orders of Mandamus compelling the Principal Secretary, Ministry of Agriculture and Livestock to settle the whole decretal sum of shs 664,820 in CMCC 6883/2003 with interest at 12% per annum until payment in full.

5. The exparte applicant shall also have costs of this Judicial Review proceeding and costs for the application for leave. The applicant to apply for appropriate orders in the event of default of payment within 90 days from the date hereof.

Orders accordingly.

Dated, signed and delivered at Nairobi this 27th day of July 2016.

R.E. ABURILI

JUDGE