



**IN THE HIGH COURT AT NAIROBI**

**MILIMANI LAW COURTS**

**JUDICIAL REVIEW DIVISION**

**MISC. CIVIL APPL. NO. 366 OF 2013**

**BETWEEN**

**REPUBLIC .....APPLICANT**

**AND**

**THE ATTORNEY GENERAL.....RESPONDENT**

***EXPARTE***

**SAMUEL NDUNGU WAINAINA**

**RULING**

1. The Notice of Motion before the Court is dated 10<sup>th</sup> December 2013 and it seeks an order of mandamus to compel the respondent to satisfy a decree issued in *Milimani CMCC No. 10372 of 2003, Samuel Ndungu Wainaina v The Attorney General and BOG Kiarutura Secondary School*. By a judgment of 2<sup>nd</sup> November 2013, the ex-parte applicant was awarded the sum of Ksh.350,000/= and interest thereon together with costs certified at Kshs.52,855/=
2. Despite demand and notice to the respondent, the judgment is yet to be satisfied. Furthermore, no replying affidavit has been filed to contest the claim. I am satisfied that on the basis of material before the Court, the application for mandamus is warranted.
3. The Notice of Motion dated 10<sup>th</sup> December is allowed and therefore:-
  - i. **An order of mandamus be and is hereby issued directing the respondent to settle the Decree dated 2<sup>nd</sup> November 2004 arising from Milimani CMCC NO. 10372 of 2003 in favour of the ex-parte applicant with costs and interest accrued until payment in full.**
  - ii. **The ex-parte applicant shall have costs of the application.**

**DATED and DELIVERED at NAIROBI this 18<sup>th</sup> February 2014**

**D.S. MAJANJA**

**JUDGE**