

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW DIVISION

JR CASE NO. 24 OF 2012

REPUBLIC.....APPLICANT

VERSUS

TOWN CLERK, CITY COUNCIL OF NAIROBI.....1ST RESPONDENT

TEASURER, CITY COUNCIL OF NAIROBI.....2ND RESPONDENT

CITY COUNCIL OF NAIROBI.....3RD RESPONDENT

EX-PARTE

MARY KIRIGO WACHIRA

JUDGEMENT

The ex-parte Applicant, Mary Kirigo Wachira was involved in a road traffic accident involving motor vehicle registration number KAB 115Q belonging to the 3rd Respondent, the City Council of Nairobi. The ex-parte Applicant sued the 3rd Respondent and the driver of the motor vehicle for compensation for the injuries sustained in **Nairobi CMCC No. 2429 of 2007**. Judgement was entered in favour of the ex-parte Applicant. Demands for payment made upon the 1st Respondent (the Town Clerk) and the 2nd Respondent (the Treasurer) have not yielded any fruits.

The ex-parte Applicant through the further amended notice of motion dated 17th October, 2012 therefore prays for an order of mandamus to compel the respondents to pay the decreed amount.

The application is not opposed.

An order of *mandamus* is issued by the High Court to a public body or government official ordering the fulfilment of statutory duties. The ex-parte Applicant has demonstrated that judgement was entered against the 3rd Respondent but the 1st and 2nd respondents have refused to pay the decretal amount. Demand has been made without success.

The respondents have a statutory duty to obey a court judgment. The ex-parte Applicant has met the conditions for the grant of an order of mandamus. An order of mandamus will therefore issue as prayed. The respondents are condemned to meet the costs of these proceedings.

Dated, signed and delivered at Nairobi this 30th day of October, 2014

W. KORIR,

JUDGE OF THE HIGH COURT