



REPUBLIC OF KENYA

High Court at Mombasa

Civil Miscellaneous Application 57 of 2012

ALI RASHID KARUNGU.....APPLICANT

VERSUS

THE TOWN CLERK MUNICIPAL COUNCIL OFRESPONDENT

RULING

Before court is the application brought by way of chamber summons in which the applicant **ALI RASHID KARUNGU** seeks the following orders as against the **MUNICIPAL COUNCIL OF MOMBASA**:

“THAT this Honourable court be pleased to grant leave to the applicant to apply for Judicial Review orders as follows:

(a) An order of mandamus compelling the respondent to cause to be paid a sum of Kshs. 156,867.04 out of the revenue of the Municipal Council of Mombasa to the applicant herein.

(b) The cost of the application be provided for.”

The application is supported by the grounds which are set out in the statutory statement and the affidavit of the applicant filed in court on 28th June, 2012.

The basis of the application is the consent Judgment made by the Principal Magistrate sitting at Mombasa Law Courts awarding the applicant the sum of Kshs. 64,992.10 plus costs. The applicant avers that this judgment has not been fully honoured by the respondent to date.

I have considered this application and I am satisfied of its merit. I do therefore grant leave in the terms of prayer (a) therefore. Costs of this application are awarded to the applicant.

Dated and delivered in Mombasa this 28th day of March, 2013.

M. ODERO

JUDGE

In the presence of:

MS. Mbuluka h/b Ms. Njuguna for Plaintiff

No appearance by Respondent
Court Clerk Mutisya