



**REPUBLIC OF KENYA**

**High Court at Mombasa**

**Judicial Review 38 of 2012**

IN THE MATTER OF: AN APPLICATION FOR AN ORDER OF MANDAMUS

AND

IN THE MATTER OF: THE SENIOR RESIDENT MAGISTRATE'S (MOMBASA) CIVIL SUIT  
NO. 499 OF 1991 – RAMLA LALI BAKARI VERSUS THE HON. ATTORNEY GENERAL

AND

IN THE MATTER OF: DECREE DATED 30<sup>TH</sup> OCTOBER, 1995 IN SRMC (MOMBASA)  
CIVIL SUIT NO. 499 OF 1991 RAMLA LALI BAKARI VERSUS THE ATTORNEY GENERAL

BETWEEN

RAMLA LALI BAKARI.....APPLICANT

AND

THE HON. ATTORNEY GENERAL.....RESPONDENT

THE PERMANENT SECRETARY (OFFICE OF THE PRESIDENT) –NAIROBI.....  
.....INTERESTED PARTY

**RULING**

This is the Notice of Motion dated 13<sup>th</sup> July, 2012 by which the applicant seeks orders that:

**“An order of mandamus do issue compelling the Interested Party herein being the Permanent Secretary, Office of the President to pay Kshs. 1,146,747.76 being the decretal sum plus interest thereon arising out of and calculated from the sum of Kshs. 187,059.40 (decretal sum) as at 31<sup>st</sup> July, 1996 accruing interest at the rate of 12% per annum interest and costs to the applicant in satisfaction of the decree issued on 30<sup>th</sup> October, 1995 in SENIOR RESIDENT MAGISTRATE’S COURT (MSA) CIVIL SUIT NO. 499 OF 1991 RAMLA LALI BAKARI VS. THE ATTORNEY GENERAL.”**

The application was supported by the annexed affidavit of the applicant. **MR. TAIB** appeared for the applicant whilst **MR. EREGI** acted for the Hon. Attorney General. I have considered the application before me. I have perused the certificate of order against the Government issued on 31<sup>st</sup> July, 1996 (Annexure ‘RLB002’) which awarded the applicant a sum of Kshs. 138,088.10 together with interest thereon from 1<sup>st</sup> July, 1991 until payment in full. Several letters to the Attorney General seeking settlement went unanswered.

Mr. Eregi for the Attorney General did not oppose the application but merely sought time to arrange for

payment of the sum due. In view of the fact that judgment was delivered in 1996, this matter has been left outstanding for over sixteen (16) years now. I am satisfied of the merit of this application and I do issue orders of mandamus as prayed. No order on costs.

**Dated and delivered at Mombasa this 12<sup>th</sup> day of April, 2013.**

**M. ODERO**

**JUDGE**

In the presence of:  
No appearance for the Applicant  
Mr. Eregi for the Respondent  
Court Clerk Mutisya