

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

CONSTITUTIONAL JUDICIAL REVIEW APPLICATION NO. 69 OF 2011

**(IN THE MATTER OF SATISFACTION OF DECREE IN WANG'URU SENIOR RESIDENT
MAGISTRATE CIVIL CASE NO. 25 OF 2010)**

MARY WAMBUI MURIITHI.....APPLICANT

R U L I N G

The Applicant has through an exparte application dated 14/10/2011 applied for leave to file Judicial Review for an order of mandamus to compel the Permanent Secretary Office of the President to satisfy the decree in Wang'uru Senior Resident Magistrate's Court Civil Case No. 25/2010.

He has filed the Chamber Summons supported by a statement of facts, Verifying Affidavit plus a copy of the Judgment. The Attorney General's office and the Permanent Secretary Office of the President were served. None appeared in court.

The conclusion is that they did not see the need to appear. I therefore find that the Applicant has an arguable case.

I grant him the leave sought. The substantive motion to be filed and served within 21 days.

**DATED, DELIVERED AND SIGNED IN OPEN COURT AT EMBU THIS 2ND DAY OF
NOVEMBER 2011.**

**H.I. ONG'UDI
JUDGE**