

IN THE HIGH COURT OF KENYA
AT NAKURU
JUDICIAL REVIEW NO. 41 OF 2009

HOTEL LE-RHINO LIMITED.....APPLICANT

VERSUS

**PERMANENT SECRETARY IN THE
MINISTRY OF MEDICAL HEALTH.....RESPONDENT**

JUDGMENT

Hotel Le-Rhino Ltd obtained judgment for Kshs.365,095/- against the Honourable the Attorney General on 17/8/05 in CMCC No. 2710/03 as evidenced on the judgment and decree, JKK1 AND 2, annexed to the affidavit of Joseph Kamau Kibuku, the Managing Director of the applicant. Despite demand, the defendant has not paid the said sums. The applicant then filed this Judicial Review application, Notice of Motion dated 12/5/2009, seeking to have the respondent compelled to pay the said sums. The respondent did not file a replying affidavit but filed grounds of opposition on 9/3/09 to the effect that the application is an abuse of the court process, incompetent and defective. No submissions were filed in support thereof. Despite the fact that the hearing notice had been served, there was no appearance at the hearing. From the annexures filed with the verifying affidavit, and the statutory statement, this court is satisfied that the applicant has demonstrated that it has a decree against the respondent. There is no evidence that the same has been satisfied and I do grant the application in terms of prayer 1 of the Notice of Motion dated 12/8/2009 plus costs.

DATED and DELIVERED this 16th day of November, 2010.

R.P.V. WENDOH
JUDGE