

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Misc Appli 1684 of 2005

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW AND FOR AN ORDER
OF MANDUMS**

AND

**IN THE MATTER OF THE JUDGMENT IN NAIROBI PMCC NO.10867 OF 2001 LILIAN
WANJIRU (A MINOR SUING THROUGH HER FATHER AND NEXT FRIEND JOHN IRUNGU
VS ATTORNEY GENERAL**

BETWEEN

REPUBLIC
APPLICANT

VERSUS

**THE HON ATTORNEY
GENERAL**

(Being used for and on behalf of the Commissioner of Police RESPONDENT

AND

L W (A minor Suing through her father and next friend)

J I EX - PARTE APPLICANT

JUDGMENT

By a notice of motion dated 8th February, 2005 and filed in court on the same day, the ex parte applicant seeks an order of mandamus to issue against, the Hon. The Attorney General to compel the Attorney General to pay the applicant L W (a minor) Kshs.338,684/15 being the decretal sum in Nairobi Principal Magistrate's Court Case No.10867.2001.

The application was supported by the statutory statement, verifying affidavit dated 28th November 2005 and other annexures. It is J I, the father of the ex parte applicant, who has brought this on behalf of the minor who is aged about 12 years old. The applicant had sued the Respondent in Nairobi Principal Magistrate's Court Case No.10867 of 2001 for damages which the applicant sustained in a road accident on 25th February, 2000 involving the Respondent's motor vehicle G.K. 464. The applicant annexed a copy of the decree in the said case dated 20th May, 2004. Certificate of order dated 17th June, 2004 was also served on the Attorney General but so far no payment has been forthcoming. That is what prompted the applicant to file this application. Though the Respondents were served with application and Mr. Eredi appeared for the Respondent on 5th May, 2006, no papers were filed in replying to the Notice of Motion nor was there any appearance by Mr. Eredi or any officer from the Respondent's office. The application was therefore unopposed and unchallenged and I will find that the applicant has demonstrated that she is entitled to the order sought as she has judgment against the Respondent which is outstanding. An order of mandamus is hereby issued compelling the Respondent to pay the Applicant the decretal sum plus costs

and interest as prayed in the notice of motion dated 8th February, 2006.

Dated and delivered at Nairobi this 31st day of May, 2006

R.V.P. WENDOH

JUDGE