

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Misc Civ Suit 109 of 2005

REPUBLIC.....APPLICANT

VERSUS

TOWN CLERK.....1ST RESPONDENT

MUNICIPAL COUNCIL OF NAKURU.....2ND RESPONDENT

RULING

The exparte applicant filed an application for mandamus by way of a notice of motion under the provisions of Order LIII Rule 3 of the Civil Procedure Rules seeking orders to compel the respondent to pay her Kshs.280,762/- plus interest and costs being the decretal sum and costs in Nakuru CMCC No. 1090 of 2004. The judgment in the aforesaid suit was entered against the respondent but the respondent had refused and/or failed to pay the same.

The said application was not opposed by the respondent, having been served with the same. I have perused the documents on record and I am satisfied that the said application has merit and has been sufficiently proved and consequently I grant the orders as prayed therein. The respondent shall also bear the costs of the application.

DATED, SIGNED AND DELIVERED at Nakuru this 9th day of December, 2005.

D. MUSINGA
JUDGE
9/12/2005

Ruling delivered in open court in the presence of Mr. Githui for the applicant.

D. MUSINGA
JUDGE
9/12/2005

