



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**OF KISII**

**Misc Appli 167 of 2003**

**REPUBLIC ..... APPLICANT**

**VERSUS**

**PERMANENT SEC. MINISTRY OF INTERNAL SECURITY ..... RESPONDENT**

**RULING**

The applicant JACKSON ONDIEK prays for orders of Mandamus against the Permanent Secretary in the Ministry of Internal Security compelling him to pay shs.149,969/= amount awarded in KISII CMCC.NO.300 OF 2000. The Respondent despite being served failed to enter appearance or file any documents to oppose the application.

The applicant had sued the respondent through the Attorney General in Kisii Chief Magistrate Court. On 16<sup>th</sup> May 2003 the court awarded applicant the sum of shs.115, 000/=. Cost were later assessed at shs.30, 940/=. A decree was drawn and forwarded to respondent with a request to settle the same. However the respondent made no payment.

As I stated the application was not opposed. The respondent failed to satisfy the decree and continues to do so. I find the application therefore is merit and I allow it as prayed with costs to the applicant.

Dated 8<sup>th</sup> October 2004.

**KABURU BAUNI**

**JUDGE**

**8/10/04**