



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC JUDICIAL REVIEW CASE NO. 1 OF 2021

FORMERLY MERU JUDICIAL REVIEW CASE NO. 06 OF 2019

IN THE MATTER OF ORDER 53 RULES 1 AND 2

OF THE CIVIL PROCEDURE RULES

AND

IN THE MATTER OF SECTION 8 AND 9 OF THE

LAW REFORM ACT CAP 26 LAWS OF KENYA

AND IN THE MATTER OF APPLICATION FOR LEAVE

TO APPLY FOR JUDICIAL REVIEW IN THE NATURE OF MANDAMUS

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

THE COUNTY SECRETARY COUNTY

GOVERNMENT OF MERU.....1ST RESPONDENT

C.E.C.M. FINANCE/DEPUTY GOVERNOR

COUNTY GOVERNMENT OF MERU.....2ND RESPONDENT

EXPARTE.....JOHN MUCHAI

(LEGAL REPRESENTATIVE OF ISAYA MUGAMBI MUKETHA (DECEASED))

RULING

1. This Notice of Motion in this matter is dated **18th June, 2019** and states as follows:

NOTICE OF MOTION

Under Order 53 rule 3 (1) OF THE Civil Procedure Rules, 2010 Section 8 and 9 of the Law Reform Act, Cp. 26 Laws of Kenya and all other enabling provisions of the law.

(Pursuant to leave granted by Hon. Justice F. Gikonyo on 13th June, 2019)

TAKE NOTICE that this honourable court will be moved on.....day of.....2019 at 9.00 o'clock in the forenoon or soon thereafter as counsel for the Interested Party/Applicant may be heard for orders:-

1. That this honourable court be pleased to grant an order of Mandamus to compel the respondents to honour this court's decree in Chuka High Court E & L case No. 4 of 2018 (Formerly Meru High Court ELC No. 63 of 2004).

2. That cost of this application be borne by the respondents.

Which application is supported by the grounds set out in the statement attached hereunder and in the annexed affidavit of John Muchai and on such further grounds as may be adduced at the hearing thereof.

DATED AT MERU THIS 18TH DAY OF JUNE, 2019.

.....
For: M/s A.G. Riungu & Co.

Advocates for the ex-parte applicant.

2. On 19th April, 2021, the parties proffered a consent and asked the court to adopt it as its order. The consent is in the following format:

CONSENT

By consent, the ex-parte applicant and the 1st and 2nd respondents agree as follows:-

1. The respondents shall pay Kshs.15,296,000, being the principal together with interest at 12% per annum from 27th April, 2016 to 27th April, 2021 on or before 30th December, 2021.
2. The matter be mentioned on a date to be taken by the parties after the 2021 High Court Christmas Vacation to confirm compliance.
3. The application dated 18th June 2019 be stood over generally.

DATED THIS 19TH DAY OF APRIL, 2021

AG Riungu for the ex-parte Applicants

M. Kibanga for the 1st & 2nd Respondent

3. This consent is adopted as an order of this court.

DELIVERED IN OPEN COURT AT CHUKA THIS 19TH DAY OF APRIL, 2021 IN THE PRESENCE OF:

CA: Ndegwa

Riungu for the Ex-parte Applicant

Kibanga for 1st and 2nd Respondents

P. M. NJOROGE,

JUDGE