



REPUBLIC OF KENYA



**Majuri v Attorney General & another (Judicial Review Application E278 of 2024)  
[2025] KEHC 2249 (KLR) (Judicial Review) (10 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2249 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW APPLICATION E278 OF 2024  
RE ABURILI, J  
FEBRUARY 10, 2025**

**BETWEEN**

**GLADYS MUKWANJERU MAJURI ..... APPLICANT**

**AND**

**ATTORNEY GENERAL ..... 1<sup>ST</sup> RESPONDENT**

**PRINCIPAL SECRETARY, MINISTRY OF LANDS, PUBLIC WORKS HOUSING  
AND URBAN DEVELOPMENT ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The application dated 17/12/2024 and filed on 18/12/2024 seeks leave of this court to apply for Judicial Review orders of mandamus to compel the Principal Secretary Ministry of Lands, Public Works, Housing and Urban Development to settle a decree in the sum of Kshs.452, 491 being general damages, special damages and costs together with interest in Milimani Civil Case No. 3502/2005 whose judgment was delivered on 1/3/2010 and decree issued on the same day.
2. The Respondent has not filed any response to the application. However, from the decree and judgment annexed, it is clear that the decree and judgment were rendered over 14 days ago and indeed, the same is against the Government Ministry of Lands as it then was and its successors in title.
3. The only mode of executing decree against the Government is by way of applying for mandamus orders to compel performance of the decree by the Accounting Officer of the relevant ministry.
4. The question is whether the decree passed 14 years ago and with no process of execution put in motion before end of 12 years is a decree capable of being executed.



5. The answer can be found in Section 4(4) of the Limitation of Action Act which stipulates that:

“An action may not be brought upon a judgment after the end of twelve years from the date on which the judgment was delivered, or (where the judgment or a subsequent order directs any payment of money or the delivery of any property to be made at a certain date or at recurring periods) the date of the default in making the payment or delivery in question, and no arrears of interest in respect of a judgment debt may be recovered after the expiration of six years from the date on which the interest became due.”

6. In the instant case, it is clear that there is no order directing the period within which the decree should be settled. Judgment was rendered on 1/3/2020.

7. No proceedings have been initiated for execution of that decree against the Government. The application dated 17/12/2024 for leave to apply for mandamus was filed 14 years after the decree.

8. That decree is stale and incapable of execution by this court. In other words, the jurisdiction of this court is extinguished and ousted by the lapse of the period for execution of the decree which is twelve years.

9. Accordingly, and for want of jurisdiction owing to the provision of Section 4(4) of the Limitation of Action Act, the application dated 17/12/2024 cannot be granted. It is declined and struck out with no orders as to costs.

10. This file is closed.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2025.**

**R.E. ABURILI**

**JUDGE**

