



Illuminator Limited v County Secretary, Nairobi City County & 2 others (Judicial Review Application E099 of 2024) [2025] KEHC 3455 (KLR) (Judicial Review) (20 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3455 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E099 OF 2024
RE ABURILI, J
MARCH 20, 2025**

BETWEEN

THE ILLUMINATOR LIMITED APPLICANT

AND

THE COUNTY SECRETARY, NAIROBI CITY COUNTY 1ST RESPONDENT

**CHIEF OFFICER, FINANCE/COUNTY TREASURER NAIROBI CITY
COUNTY 2ND RESPONDENT**

**COUNTY EXECUTIVE COMMITTEE MEMBER, FINANCE AND ECONOMIC
AFFAIRS NAIROBI CITY COUNTY 3RD RESPONDENT**

RULING

1. This matter was filed in this court on 15/8/2024 by way of Notice of Motion dated 14/8/2024 filed under certificate of urgency. That was during the recess, upon which the duty Judge gave directions that the applicant complies with the [High Court organization and Administration Act](#).
2. The [Act](#) requires parties who seek to be heard during the recess, to first seek leave of court to be heard during the recess and obtain such leave before the substantive matter before the court can be considered as urgent and be heard during the recess. From 15/8/2024, nothing transpired to date.
3. I observe that the application seeks the court to cite the County Secretary, Chief Officer Finance and County Executive Committee Member, Finance and Economic Affairs, all of Nairobi City County, for being in contempt of court for failure to settle decree and certificate of order Against the Government as issued in the High Court Commercial & Tax Division, Nairobi in Miscellaneous Application No. 354/2017 on 23/6/2023, among other orders.



4. I further note that Judicial Review orders of mandamus compelling the respondents herein to settle decree and certificate of order against the Government for the said decree stated above, was issued in JR E146/2023 vide judgment rendered on 21st February 2024 by this court.
5. The matter arose from an arbitral ward. In my humble view, this file was wrongly opened as an independent file from JR E146/2023. The orders of contempt flow from alleged non settlement of decree following mandamus judgment rendered on 21/2/2024.
6. The application for contempt of court ought to have been filed in the mandamus proceedings, not in separate proceedings.
7. As this file cannot be closed without a specific order, I hereby strike out the Notice of Motion dated 14/8/2024 and close this file.
8. The applicant's Counsel to be notified to file an appropriate application in JR E146/2023 for continuation of those proceedings.
9. I make no orders as to costs. is file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

