



Republic v County Government of Marsabit; Kasula (Exparte Applicant) (Judicial Review Miscellaneous Application E001 of 2025) [2025] KEHC 2761 (KLR) (13 March 2025) (Ruling)

Neutral citation: [2025] KEHC 2761 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MARSABIT
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E001 OF 2025**

FR OLEL, J

MARCH 13, 2025

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO
APPLY FOR JUDICIAL REVIEW ORDERS OF MANDAMUS**

AND

**IN THE MATTER OF THE CONSTITUTION OF KENYA 2010
IN THE MATTER OF THE FATAL ACCIDENTS ACT/LAW REFORM ACT**

BETWEEN

REPUBLIC APPLICANT

AND

COUNTY GOVERNMENT OF MARSABIT RESPONDENT

AND

NJERI LOWASA KASULA EXPARTE APPLICANT

RULING

1. The Applicant herein filed her chamber summons dated 21st January 2025, seeking leave to institute judicial review proceedings against the respondent to compel its chief officer finance and the county Attorney General to settle the decree passed in Marsabit CMCC No E015 of 2022 plus cost and interest arising therefrom.
2. This Honourable court upon considering the said Application did grant the leave so sought on 29th January 2025 and gave the Ex parte Applicant 14 days to file and serve the substantive Notice of motion. On the very same day, the said Notice of motion was filed and served upon the respondent on 6th February 2025, as confirmed by the affidavit of service filed by one Sospeter Opondo, also dated on the even date.



3. The Ex parte Applicant in the said application sought for orders that, Orders of Madamus do issue compelling the Respondent to pay the ex parte Applicant the decretal sum issued in Marsabit CMCC E015 of 2022 plus cost and interest thereon. she also prayed to be awarded the costs of this Application.
4. The respondent despite service on 06.02.2025 did not attend court on 06.03.2025 when the matter came up for inter parties hearing nor had they filed any response to this Application. By dint of provisions of Order 51 Rule 14(4) of the *civil procedure Rules*, this Application is deemed to be unopposed.

Disposition

5. In the circumstances I do find that the Notice of motion Application dated 29.01.2025 has merit and the same is allowed in in terms of prayer (1) and (2).
6. The costs of this suit is assessed at Kshs 100,000/= all inclusive.
7. It is so ordered.

READ, SIGNED, AND DELIVERED VIRTUALLY AT MARSABIT ON THIS 13TH DAY OF MARCH, 2025.

FRANCIS RAYOLA OLEL

JUDGE

Delivered on the virtual platform, Teams this 13th day of MARCH 2025.

In the presence of;

Mr. Opondo for Ex parte Applicant

N/A for Respondent

Mr. Jarso Court Assistant

