



**Wainaina v State Law Office (Judicial Review Miscellaneous Application  
E130 of 2025) [2025] KEHC 7074 (KLR) (Judicial Review) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7074 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E130 OF 2025**

**RE ABURILI, J**

**MAY 22, 2025**

**BETWEEN**

**SIMON WAINAINA ..... APPLICANT**

**AND**

**STATE LAW OFFICE ..... RESPONDENT**

**RULING**

1. The chamber summons dated 20/3/2025 seeks leave of court to apply for Judicial Review order of mandamus to compel the Chief Registrar of the Judiciary to settle decree and certificate of order against the Government issued on 12/10/2022 following judgment rendered on 7/8/2019 in Milimani CMCC 6009/2016.
2. The decretal sum as per certificate of order against the Government is Kshs.294,700.93 as at 12/10/2022 and the interest continues to accrue. The said certificate of order against the Government was duly served upon the Attorney General's office vide letter dated 26/1/2024 as acknowledged as received. The Attorney General was served with other documents including decree, judgment and certificate of costs.
3. I am satisfied that the procedure for enforcement of decree against the Government as stipulated under Section 21 of the *Government Proceedings Act* was followed.
4. Section 25 of the *Government Proceedings Act* as read with Order 29 of the *Civil Procedure Rules* bar the enforcement of decree against the Government by way of execution proceedings of attachment of government property.
5. Accordingly, as there is no other available remedy for the applicant to enforce the decree, I hereby grant leave to the applicant to file Judicial Review orders of mandamus at compel the Chief Registrar



of the Judiciary to settle decree and certificate of order against the Government in Milimani CMCC 6009/2016 given on 9/8/2019 and dated 12/10/2022.

6. The substantive Notice of Motion to be filed and served within 21 days of today and in a separate file, this being a Miscellaneous file.
7. I make no orders as to costs of this application.
8. This file is closed.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22<sup>ND</sup> DAY OF MAY, 2025**

**R.E. ABURILI**

**JUDGE**

