



**Kaino & another v County Government of Uasin Gishu (Miscellaneous Judicial Review E013 of 2025) [2025] KEHC 10256 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10256 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
MISCELLANEOUS JUDICIAL REVIEW E013 OF 2025  
RN NYAKUNDI, J  
JULY 16, 2025**

**BETWEEN**

**JAMES KIPKORIR KAINO ..... 1<sup>ST</sup> APPLICANT**

**FRANCIS KIPRUTO BARKOIYES ..... 2<sup>ND</sup> APPLICANT**

**AND**

**THE COUNTY GOVERNMENT OF UASIN GISHU ..... RESPONDENT**

**RULING**

1. What is pending before this Court for determination are *Ex-parte* Chamber Summons dated 24<sup>th</sup> June 2025 where the Applicants are seeking the following orders:
  - a. Spent
  - b. That this honorable court be pleased to extend time for filing of these judicial review proceedings for an order of *mandamus* beyond the statutory time of six months
  - c. That this honorable court be pleased to grant leave to the *ex parte* applicants to apply for judicial review for an order of *mandamus*
  - d. The costs of this application be borne by the Respondents.
2. The Application is grounded upon the matters set out in the Statutory Statement and Affidavit of James Kipkorir Kaino who avers as follows:
  - a. That I have the authority of the 2<sup>nd</sup> Applicant herein to plead and depone, hence competent to swear this affidavit.
  - b. That we sued Chebororwa ATC and the Honorable Attorney General for defamation and obtained judgment in our favor.



- c. That through our advocates, we served the 1<sup>st</sup> Respondent with a copy of the decree and certificate of costs for satisfaction.
- d. That instead of making the necessary payments, the 1<sup>st</sup> Respondent filed an application to stay execution of the decree and later failed to prosecute the same. The application was later dismissed for want of prosecution.
- e. That the respondent being a government body, we instructed our advocates on record to write to them to pay, so as to avoid further costs. After receiving the letter, the Respondent has been evasive, necessitating these proceedings.
- f. That the delay to bring these proceedings for an order of mandamus have been occasioned by the application made by the Respondent, and further their failure to honor correspondences by our advocates for the Respondent to pay.
- g. That this application has been brought timely without unreasonable delay.
- h. That we have a right in law to enjoy the fruits of our judgment, which being against a government body, leave to initiate judicial review proceedings is necessary.
- i. That I swear this affidavit in support of the application for extension of time and for leave to apply for judicial review orders of mandamus; and to verify the correctness of the facts relied upon and the grounds and other matters set out in the Statutory Statement lodged herewith.

#### **Decision**

3. On consideration of the *Ex Parte* Chamber Summons dated 24<sup>th</sup> June 2025, leave be and is hereby granted from this court for the Applicants to file a substantive motion within 10 days from today's date which was on 7<sup>th</sup> July 2025.
4. The substantive motion be served and be heard on 21<sup>st</sup> of July 2025.
5. That the applicant be here at liberty to seek the prerogative writ of *mandamus*.
6. It is so ordered

**GIVEN UNDER MY HAND AND SEAL OF THIS COURT ON THIS 16<sup>TH</sup> JULY 2025**

.....

**R. NYAKUNDI**  
**JUDGE**

