



Republic v County Secretary Nairobi City County & another; Tom Ojienda & Associates (Exparte Applicant) (Miscellaneous Civil Application 121 of 2017) [2024] KEHC 1867 (KLR) (Civ) (20 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1867 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

MISCELLANEOUS CIVIL APPLICATION 121 OF 2017

JM CHIGITI, J

FEBRUARY 20, 2024

BETWEEN

REPUBLIC APPLICANT

AND

COUNTY SECRETARY NAIROBI CITY COUNTY 1ST RESPONDENT

CHIEF OFFICER FINANCE, COUNTY TREASURER NAIROBI CITY

COUNTY 2ND RESPONDENT

AND

TOM OJIENDA & ASSOCIATES EXPARTE APPLICANT

RULING

1. On 14th February, 2024, this court directed that the matter would proceed for mitigation at 12.15 pm.
2. On 20th December, 2023, the court directed that the matter would proceed for sentencing based on the affidavits filed by the contemnors, grounds of opposition and the Notice to Produce and the Notice to Cross Examine.
3. There is an application dated 13th February, 2024 that the contemnor has filed in the Court of Appeal no. COA E050/2024. There is no stay of execution order that has been issued by the Court of Appeal. The Court directed Asha Abdi and Patrick Ondo to attend court which they did on 14th February, 2024. Given that their attendance is necessary for purposes of mitigation and sentencing.
4. Miss Amon for the decree holder submitted that the matter was coming up for sentencing as directed on 20th December, 2023.



5. Mr. Okatch informed the court that there are two payments being processed by the contemnor initiated on 21st November, 2023 and 30th November, 2023 for Ksh. 53 million and 10 million respectively.
6. Okatch wants his application to be heard first. He seeks orders to stay the orders of 20th December, 2023 pending the determination of the appeal in Court of Appeal 050 of 2024.
7. On 14th February, 2024 this court issued directions for the disposal of the application.

Orders:

1. The application dated 13th February, 2024 shall be determined on 18th March, 2024.
2. The mitigation and sentencing shall abide the outcome of the ruling that will be issued determining the application.
3. Ms. Asha Abdi and Mr. Patrick Analo to attend court in person at 11 am in open court.
4. These directions shall apply to Misc. JR. No. 123/2017.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF FEBRUARY, 2024.

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J. CHIGITI (SC)

JUDGE

