



Nyokumo Plumbing & Building Contractors Limited v County Executive Committee Member for Finance, County Government of Kisumu (Judicial Review E002 of 2024) [2024] KEHC 3602 (KLR) (11 April 2024) (Ruling)

Neutral citation: [2024] KEHC 3602 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
JUDICIAL REVIEW E002 OF 2024
RE ABURILI, J
APRIL 11, 2024**

BETWEEN

NYOKUMO PLUMBING & BUILDING CONTRACTORS LIMITED APPLICANT

AND

THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, COUNTY GOVERNMENT OF KISUMU RESPONDENT

RULING

1. I have considered the Exparte Chamber Summons dated 28th February 2024 brought under the provisions of Order 53 Rules 1(1) (2) & (3) of the *Civil Procedure Rules*, the statement of facts, the verifying affidavit and the annexures thereto.
2. I am satisfied that the Respondent was certified to be a judgment debtor in Winam SPMCC No. E015 of 2022 and that Decree, Certificate of Costs as well as the certificate order against the Government respectively, were issued and served upon the Respondent herein vide letter of 7th July 2023 by the Exparte Applicant's counsel asking for settlement.
3. The said letter was copied to the legal department of the County Government of Kisumu.
4. There is no evidence of settlement of the said decree and certificate of order against the Government.
5. In the premises, I find the exparte chamber summons dated 28th February 2024 merited.
6. I allow the Chamber Summons and grant leave to the exparte applicant leave to apply for Judicial Review orders of Mandamus against the Respondent herein seeking orders to compel the Respondent to settle decree for the sum of Kshs.940,992 together with interest at 14% p.a from 22nd August 2016



until payment in full plus costs of Kshs.72,600 as per decree issued on 3rd March 2022 and certificate of costs dated 30th June 2022.

7. The substantive motion shall be filed and served upon the Respondent within 21 days of this Ruling.
8. Costs shall be in the main motion.
9. This file is closed.
10. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 11TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

