



**Otieno, Ragot & Company Advocates v County Secretary, County
Government of Kisumu & 2 others (Judicial Review Miscellaneous Application
E006 of 2024) [2024] KEHC 3884 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3884 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E006 OF 2024
RE ABURILI, J
APRIL 19, 2024
IN THE MATTER OF AN APPLICATION BY OTIENO, RAGOT &
COMPANY ADVOCATES
AND
IN THE MATTER OF SECTIONS E, 103, 147 & 148 OF THE PUBLIC
FINANCE MANAGEMENT ACT, 2012
AND
IN THE MATTER OF SECTION 44 & 45 OF THE COUNTY
GOVERNMENT ACT, 2012
AND
IN THE MATTER OF GOVERNMENT PROCEEDINGS ACT, CHAPTER
40 LAWS OF KENYA
AND
IN THE MATTER OF ARTICLES 10, 23 & 47 OF THE CONSTITUTION
OF KENYA

BETWEEN

OTIENO, RAGOT & COMPANY ADVOCATES APPLICANT

AND

THE COUNTY SECRETARY, COUNTY GOVERNMENT OF
KISUMU 1ST RESPONDENT

THE COUNTY EXECUTIVE MEMBER FOR FINANCE, COUNTY
GOVERNMENT OF KISUMU 2ND RESPONDENT



RULING

1. I have considered the *Exparte* Chamber Summons dated 4th April 2024, the grounds, the verifying affidavit and statutory statement together with annexures thereto.
2. I am satisfied that there is a valid decree and certificate of order against the Government issued in favour of the Applicant Otieno, Ragot & Company Advocates against the 3rd Respondents herein the County Government of Kisumu in Kisumu HC Misc. No. E20 of 2023 and that demand has been made for settlement of the said decretal sum of Kshs.156,060 but no settlement has been made.
3. I grant the Applicant/Advocate leave to file Judicial Review application seeking orders of Mandamus to compel the 3rd Respondents' accounting officer to settle the decretal sum as decreed.
4. The substantive motion to be filed and served with twenty-one (21) days of today.
5. I make no orders as to costs of this application.
6. The Ruling and order to be typed and extracted accordingly.
7. This file is closed. The main motion to be filed in a fresh file.
8. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

