



**MFI Documents Solutions Ltd v County Government of Taita Taveta & 2 others (Judicial Review Miscellaneous Application E001 of 2024) [2024] KEHC 9565 (KLR) (11 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9565 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E001 OF 2024**

**GMA DULU, J**

**JULY 11, 2024**

**IN THE MATTER OF: AN APPLICATION FOR LEAVE TO  
INSTITUTE JUDICIAL REVIEW PROCEEDINGS FOR ORDERS  
OF MANDAMUS BY MFI DOCUMENT SOLUTIONS LIMITED**

**-AND-**

**IN THE MATTER OF: THE LAW REFORM ACT,  
SECTIONS 8 AND 9 (CAP.26) LAWS OF KENYA**

**-AND-**

**IN THE MATTER OF: ARTICLE 47 OF THE CONSTITUTION OF KENYA**

**-AND-**

**IN THE MATTER OF: THE PUBLIC FINANCE MANAGEMENT ACT, 2012**

**-AND-**

**IN THE MATTER OF: SECTIONS 44 AND 45  
OF THE COUNTY GOVERNMENTS ACT, 2012**

**-AND-**

**IN THE MATTER OF: THE GOVERNMENT  
PROCEEDING ACT, CAP. 40 OF THE LAWS OF KENYA**

**BETWEEN**

**MFI DOCUMENTS SOLUTIONS LTD ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF TAITA TAVETA ..... 1<sup>ST</sup> RESPONDENT**

**COUNTY EXECUTIVE MEMBER FOR FINANCE, COUNTY GOVERNMENT  
OF TAITA TAVETA ..... 2<sup>ND</sup> RESPONDENT**



**RULING**

1. Before me is a Notice of Motion dated 14<sup>th</sup> February 2024 filed under Order 53 Rules 1(1), (2) and (3), 3 and 4 of the Civil Procedure Rules and Section 3 of the Law Reform Act (Cap.26), and Section 7 and 8 of the Judicature Act (Cap.8).
2. The prayers in the application are for Judicial Review orders of *mandamus* against the respondents to pay the decretal amount in Voi Cmcc No. E016 of 2021 MFI Document Solutions =versus= County Governmen Tof Taita Taveta.
3. This court having ordered that the said application be served, and though two affidavits of service were filed herein dated 28<sup>th</sup> May 2024 and 4<sup>th</sup> July 2024, no response to the application was filed by the respondents. The respondents also did not participate in the proceedings.
4. The application was canvassed through written submissions. In this regard, only S. A. Amadi & Company Advocates for the *ex-parte* applicant filed their submissions, which I have perused and considered.
5. Since this application is not opposed, and the documents filed herein disclose the decision of the court made in Voi Cmcc No. E016 of 2021 sought to be enforced through mandamus herein, I have no reason not to allow the application.
6. I thus allow the application, and order as follows:-
  - i. This court hereby issues orders of mandamus to direct and compel the respondents to pay the ex-parte applicant the decretal sum together with interest thereon of Kshs. 2,228,811.46 awarded which is due on account of judgment entered in Voi Cmcc E016 of 2021 Mfi Document Solutions =versus= County Government Of Taita Taveta against the respondents herein.
  - ii. Judicial Review orders of mandamus are hereby issued to compel the respondents to pay the decretal sum of Kshs. 2,405,306.46 awarded in Voi Cmcc E016 of 2021 MFI Doucment Solutions =versus= County Government Of Taita Taveta as per the certificate of order against the Government issued on 8<sup>th</sup> December 2023.
  - iii. The respondents are hereby ordered to comply by satisfying the decree, costs and interest in Voi Cmcc E016 of 2021 Mfi Document Solutions =versus= County Government Of Taita Taveta within 14 days of service of the order of *mandamus*.
  - iv. The costs of the Judicial Review application herein will be borne by the respondents.

**DATED, SIGNED AND DELIVERED THIS 11<sup>TH</sup> DAY OF JULY 2024 IN OPEN COURT AT VOI VIRTUALLY.**

**GEORGE DULU**

**JUDGE**

