



**Meptax Consultuim Ltd v County Goventment of Kisumu & 3  
others (Judicial Review Miscellaneous Application E013 of 2024)  
[2024] KEHC 11291 (KLR) (23 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11291 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E013 OF 2024**

**RE ABURILI, J**

**SEPTEMBER 23, 2024**

**IN THE MATTER OF THE CONSTITUTION OF KENYA**

**AND**

**IN THE MATTER OF JUDICIAL REVIEW FOR ORDERS FOR MANDAMUS**

**BETWEEN**

**MEPTAX CONSULTUIM LTD ..... EXPARTE APPLICANT**

**AND**

**COUNTY GOVONTMENT OF KISUMU ..... 1<sup>ST</sup> RESPONDENT**

**BOARD OF KISUMU CITY ..... 2<sup>ND</sup> RESPONDENT**

**COUNTY GOVERNMENT OF KISUMU ..... 3<sup>RD</sup> RESPONDENT**

**COUNTY EXECUTIVE COMMITTEE MEMBER FINANCE 4<sup>TH</sup> RESPONDENT**

**RULING**

1. The application dated 7<sup>th</sup> June 2024 is not opposed. The Applicant Meptax Consultuim Ltd is the decree holder in Kisumu HCC No.18 of 2019 vide Judgment rendered on 8<sup>th</sup> October 2019. Costs were also assessed.
2. Decree and certificate of order against the Government were served upon the Respondents who have not settled the decree despite offering to enter into negotiations with the Applicant on 14<sup>th</sup> June 2024.
3. Mandamus is the only means by which the Government can be compelled to settle decree, where there is default. This is so because execution against the Government is governed by the *Government Proceedings Act*, Cap 40 Laws of Kenya. No attachment and sale of Government Assets is allowed by law.



4. I have perused the record and I am satisfied that the applicant has complied with the required procedure for demanding for settlement of decree against the Government and that this application is not frivolous.
5. I grant leave to the Applicant to institute Judicial Review proceedings against the Respondents Judgment debtors in Kisumu HCC No. 18 of 2019 to compel the Respondents to settle decree in the said suit.
6. The substantive motion shall be filed and served within 21 days of today and in a separate file.
7. The application for leave and the order granting leave shall accompany the application for the substantive order.
8. Costs shall be in the substantive motion.
9. This file is closed.
10. HCC No.18 of 2019 to be returned. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

