



REPUBLIC OF KENYA



**Kariuki v Attorney General & another (Petition E029 of 2022)  
[2023] KEHC 3351 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3351 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
PETITION E029 OF 2022  
PM MULWA, J  
APRIL 20, 2023**

**BETWEEN**

**IRENE KARIMI KARIUKI ..... PETITIONER**

**AND**

**ATTORNEY GENERAL ..... 1<sup>ST</sup> RESPONDENT**

**COMMISSIONER OF PRISONS ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. In a petition dated July 29, 2022, the Petitioner, Irene Karimi Kariuki seeks for declaration orders that her committal to civil jail violates her rights and freedoms as enshrined in the Constitution, is uprocedural and unconstitutional.
2. In brief the Petitioner avers that she is a judgment debtor in Ruiru SPMCC No E025 of 22020 but was unable to settle the decretal sum of Kshs 518,030/= plus costs and interests. That she had explained her predicament to the trial court to no avail. She seeks that the committal to civil jail order be quashed.
3. The petition, though properly served was not contested and learned counsel for the Petitioner submitted that since it had not been responded to, the orders sought ought to be allowed.
4. No doubt the Petitioner admits that a judgment was issued against her and that she is obligated to satisfy the same. She however does not propose on how she intends to have the same satisfied so that the decree holder is not prejudiced. She has now sought to have the respondents herein stopped from executing a committal to civil jail order.
5. I hereby direct as follows: -
  - i. That the petition being unopposed, the orders sought be and are hereby granted on condition that the petitioner offers a payment plan in respect of the decretal amount owing in Ruiru SPMCC No E025 of 2020.



- ii. That in default of (i) above the decree holder in Ruiru SPMCC No E025 of 2020 will be at liberty to commence execution proceedings.
- iii. No orders as to costs.

Orders accordingly.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 20<sup>TH</sup> DAY OF APRIL, 2023**

.....

**P.M. MULWA**

**JUDGE**

**In the presence of:**

**Court Assistants: Mr. Kinyua/Duale**

**For Petitioner: Ms. Ng'ang'a**

**For Respondents: No Appearance**

