



**Republic v County Government of Kisumu & 2 others (Judicial Review
Application E016 of 2023) [2023] KEHC 18990 (KLR) (21 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 18990 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
JUDICIAL REVIEW APPLICATION E016 OF 2023**

RE ABURILI, J

JUNE 21, 2023

BETWEEN

REPUBLIC APPLICANT

AND

COUNTY GOVERNMENT OF KISUMU 1ST RESPONDENT

THE COUNTY SECRETARY KISUMU COUNTY 2ND RESPONDENT

THE CHIEF FINANCE OFFICER, KISUMU COUNTY 3RD RESPONDENT

RULING

1. The application dated March 30, 2023 seeks leave to apply for Judicial Review orders of mandamus directed at the Respondents compelling them to settle costs in HC Misc. Application No. E023 of 2021 and interest all totalling Kshs.141,600 and costs to be in the cause.
2. There is no opposition to the application which is filed pursuant to the provisions of Order 53 Rule (1) (2) and (4) of the *Civil Procedure Rules*.
3. The 1st Respondent is the County Government of Kisumu and no execution can be effected against its assets. This application is the only procedural way by which a party can enforce a decree against the Government, as stipulated in the *Government Proceedings Act*.
4. Accordingly, I grant leave to the applicant to institute judicial review proceedings against the respondents for orders of mandamus to compel settlement of decree and certificate of order against the Government by the respondents.
5. The substantive application to be filed and served within twenty-one (21) days of today in separate proceedings.



6. This order to apply to the series files JR Nos. E017 OF 2023, E018 of 2023, E019 of 2023 and E015 of 2023 mutatis mutandis and with necessary modifications.
7. This file and the files mentioned hereinabove are marked as closed but orders shall be filed in the respective files. This file is closed.

Dated, Signed and Delivered at Kisumu this 21st Day of June, 2023

R. E. ABURILI

JUDGE

