



**Tom Ojienda & Associates v County Secretary Nairobi City County
& another (Judicial Review Miscellaneous Application 121 of 2017)
[2023] KEHC 21434 (KLR) (Judicial Review) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21434 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION 121 OF 2017**

**JM CHIGITI, J
JULY 21, 2023**

BETWEEN

PROF. TOM OJIENDA & ASSOCIATES APPLICANT

AND

**THE COUNTY SECRETARY NAIROBI CITY COUNTY 1ST RESPONDENT
CHIEF OFFICER, FINANCE/COUNTY TREASURER, NAIROBI CITY
COUNTY 2ND RESPONDENT**

RULING

1. On February 14, 2023, The Respondent paid the Applicant the sum of Kshs 20,000,000.00 and undertook to give a proposal on March 15, 2023 on how the balance a balance of Kshs 133,202,739.72 in compliance with the Court orders of 14th February 2023.
2. The Respondents case: According to the Respondent the following are the issues for determination: -
 - i. Whether the draft budget provided as directed by the Court provides plans for payment of the balance of the decretal sum?
 - ii. Who is the accounting officer of the Nairobi City County Government?
 - iii. Whether sums owed to the Applicant by the Nairobi City County is a personal debt owed by Ms Asha Abdi?
3. The Respondent in its submissions confirms that on February 14, 2023, as a sign of good will without any budgetary provision the said officers undertook to pay to the Applicant a sum of Kshs 20,000,000.00 and undertook to give a proposal on March 15, 2023 on how the balance would be paid.



8. Further the Respondent confirmed that on May 19, 2023 that Ms Asha Abdi complied with directive on the April 27, 2023 by a letter addressed to the Applicant and copied to the Court. The proposed Budget for the entire Legal Department is a sum of Kshs 700,000,000.00 and the Applicant is listed as Number 6 on Nairobi City County's Legal Department's List of Priorities containing the sum of Kshs 133,202,739.72.
9. It is the Respondents case that there is now a clear provision on how the balance will be paid and accordingly the Applicant should wait for the approval by the County Assembly and disbursement by the National Treasury and mention the matter as proposed around the first week of August 2023.

Orders:

1. The Respondents shall cause the payment of the sum of Kshs 133,202,739.72 on or before August 30, 2023.
2. In the event the Kshs 133,202,739.72 is not paid on or before August 30, 2023, then the court shall proceed to sentence the contemnor.
3. The matter will be mentioned on October 4, 2023 to report compliance or for purposes of sentencing.
4. These orders shall apply to JR No 123 of 2017.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21ST DAY OF JULY, 2023.

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JOHN CHIGITI (SC)

JUDGE

