



**Republic v Nairobi City County; Park Towers Limited
 (Exparte Applicant) (Miscellaneous Application 282 of 2014)
 [2023] KEHC 22581 (KLR) (Judicial Review) (25 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22581 (KLR)

**REPUBLIC OF KENYA
 IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
 JUDICIAL REVIEW
 MISCELLANEOUS APPLICATION 282 OF 2014
 JM CHIGITI, J
 SEPTEMBER 25, 2023**

BETWEEN

REPUBLIC APPLICANT

AND

NAIROBI CITY COUNTY RESPONDENT

AND

PARK TOWERS LIMITED EXPARTE APPLICANT

RULING

1. This matter came up on June 21, 2023 for the hearing of the notice to show cause dated June 13, 2023 issued to Mr Charles Kerich, the County Executive Member for Finance/ Accounting Officer of the respondent herein for failing to pay the sum of Kshs 43,737,390.22/=.
2. Although there was an affidavit of service sworn by Kennedy Okali Aroko on June 19, 2023 showing that the notice had been served, the said officer was not in attendance. Owing to the nature of the orders sought the court directed that the matter be mentioned on July 19, 2023 and that counsel for the *ex parte* applicant serve the notice to show cause again together with a mention notice on the respondent.
3. On July 19, 2023 when the matter was called out, there was no appearance by Mr Charles Kerich or the respondent. Counsel informed the court that the notice to show cause and mention notice had been served upon the respondent on July 3, 2023.
4. I have perused the affidavit of service sworn by Kennedy Okall Aroko on July 17, 2023 and I am satisfied with the service.



5. There being no one to oppose nor show the court why the notice to show cause should not issue.

Order:

- i. Warrants of arrest do issue against Mr Charles Kerich the County Executive member for Finance, Nairobi City County.
- ii. Mr Charles Kerich be brought to open court at 10 am on November 20, 2023 for sentencing.
- iii. The *ex parte* applicant shall have the costs of this application.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 25TH DAY OF SEPTEMBER 2023

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J. CHIGITI (SC)

JUDGE

In presence of:

Applicant – Ochieng h/b for Oyatta

Respondent –N/A

