



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CONSTITUTIONAL & JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW NO. 28 OF 2019

IN THE MATTER OF: AN APPLICATION FOR THE JUDICIAL REVIEW ORDER OF MANDAMUS

AND

IN THE MATTER OF: THE GOVERNMENT PROCEEDINGS ACT

AND

IN THE MATTER OF: MOMBASA CMCC NO. 1794 OF 2013 (LUCY NDUTA NG'ANG'A VS. THE ATTORNEY GENERAL)

BETWEEN

LUCY NDUTA NG'ANG'A.....APPLICANT

AND

1. THE PRINCIPAL SECRETARY, MINISTRY OF INTERIOR AND

COORDINATION OF GOVERNMENT

2. THE ATTORNEY GENERAL.....RESPONDENTS

RULING

The Application

1. The Notice of Motion application before the Court is dated 4th June, 2019. The application prays for the following orders:

(1) An order of mandamus to compel the respondents to satisfy the decree issued on the 8th of March, 2016 in MOMBASA CMCC NO. 1794 OF 2013 (LUCY NDUTA NG'ANG'A VS. THE ATTORNEY GENERAL) by paying to the applicant Kshs. 5,379,213, being the total decretal amount plus costs and accrued interest, together with the additional interest accrued thereon up to the date of full settlement of the decree.

(2) Costs of the application.

(3) Such further orders and reliefs that the Honourable Court may deem just and expedient to grant.

2. The application is supported by affidavit of Lucy Nduta Ng'ang'a sworn on 28th May, 2019.

3. The application is not opposed. On 24th September, 2019 when the application came up for hearing Mr. Mwanjeje for the Respondents informed the Court that they were not opposing the application but would require time to pay the Judgment debt.

Determination

4. In the absence of opposition the application should be granted. I have also independently considered the application and I am satisfied that it is merited. I therefore grant the same with costs.

Dated, Signed and Delivered in Mombasa this 8th day of October, 2019.

E. K. O. OGOLA

JUDGE

In the presence of:

Ms. Mwenja for Applicant

Mr. Wachira for 1st Respondent

Mr. Kaunda Court Assistant