



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NANYUKI**  
**JUDICIAL REVIEW CASE NO. 5 OF 2016**

CHARLES KARIUKI MWANIKI ..... 1<sup>ST</sup> APPLICANT  
DAVID KINYUA ..... 2<sup>ND</sup> APPLICANT  
SOSPETER KIBOI MAINA ..... 3<sup>RD</sup> APPLICANT  
FRANCIS MAINA ..... 4<sup>TH</sup> APPLICANT  
SAMSON SITAI KARIUKI ..... 5<sup>TH</sup> APPLICANT  
CHARLES KARIUKI NDIRANGU ..... 6<sup>TH</sup> APPLICANT

*Versus*

THE HONOURABLE ATTORNEY GENERAL ..... 1<sup>ST</sup> RESPONDENT  
THE PRINCIPAL SECRETARY, MINISTRY OF INTERIOR  
AND COORDINATION NATIONAL GOVERNMENT..... 2<sup>ND</sup> RESPONDENT

**JUDGMENT**

1. The six ex-parte applicants have brought this action seeking an order of mandamus to issue against the respondents jointly and severally to satisfy the judgment awarded in various civil suits in Nanyuki Chief Magistrate's court. The ex-parte applicant obtained judgment in Chief Magistrate's court as follows:-

- a) Nanyuki CMCC No. 108 of 2009 – Kshs.595,705/= inclusive of costs
- b) Nanyuki CMCC No. 26 of 2007 – Kshs.191,478/= inclusive of costs
- c) Nanyuki CMCC No. 100 of 2009 – Kshs.40,000/= No costs awarded.
- d) Nanyuki CMCC No. 62 of 2007 – Kshs. 288,305/= inclusive of costs
- e) Nanyuki CMCC No. 61 of 2007 – Kshs.312,655,705/= inclusive of costs

2. Although the respondents were served with the Notice of Motion dated 2<sup>nd</sup> June 2016 they did not oppose it by filing any response to the same. Learned Counsel Mr. Muthuri for the respondents confirmed that the respondents were aware of those judgments and effort was being made to pursue

payments to the ex-parte applicant. He requested that the respondents be given time to arrange for the payments. Learned Counsel Mr. J. M. Mwangi submitted that since the respondents had not raised any issue in law to oppose the order sought he prayed that the orders be granted and that the respondents be given 60 days to make payments.

3. I have considered the Notice of Motion of the ex-parte applicants and indeed I have confirmed that the ex-parte applicants have obtained judgments against the respondents which the respondent's learned counsel confirmed had not been satisfied. With that in mind an order is hereby issue of mandamus to compel the respondents jointly and severally to satisfy the judgment awards in **Nanyuki Chief Magistrates Court Civil Case Nos. 108 of 2009, 26 of 2007, 100 of 2009, 62 of 2007 and 61 of 2007 by paying the amount awarded therein within 60 days from today's judgment. The ex-parte applicants are awarded costs of this suit.**

**DATED AND DELIVERED THIS 9TH DAY OF NOVEMBER 2016.**

**MARY KASANGO**

**JUDGE**

**CORAM:**

Before Justice Mary Kasango

Court Assistant – Njue

For Applicants: .....

For the State: .....

**COURT**

Judgment delivered in open court.

**MARY KASANGO**

**JUDGE**