

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

CIVIL SUIT 23 OF 2010

LILY K. MUSINGA

JOSEPH M. MUNYITHYA

WILLIAM O. WAMEYO

All formerly trading as MUSINGA MUNYITHYA & Co. Advocates.....PLAINTIFFS

VERSUS

MUNICIPAL COUNCIL OF MOMBASA.....DEFENDANT

RULING

This ruling is further to the one delivered on 16th February 2012. By that ruling the defendant was ordered to supply its bank statements to the plaintiffs and the court within 30 days of that ruling. The court ruled on that day that after the defendant supply those statements further directions would be given. The defendant filed in court a bundle of budget summary statements for the year 2010/2011. It did not supply as ordered by the court its banks statements. In submissions the plaintiff's counsel stated that even on the basis of those statements the court should proceed to order the attachment of the defendant's bank accounts to satisfy the judgment in this matter.

The defendant has time and time again, avoided to honour the judgment of this court entered on 21st October 2010. It has failed to obey the court order requiring it to file its bank statements. The town clerk of the defendant has failed to pay the judgment of the plaintiffs as required under section 263 A of Local Government Act Cap 265. The court therefore finds that it is necessary to make the following orders:

- 1. Leave is hereby granted to the plaintiffs to attach the defendant's money held in its various bank accounts in satisfaction of the judgment in this case.***
- 2. The plaintiffs' are awarded costs of the application dated 1st march 2011.***

DATED and DELIVERED at MOMBASA this 5th day of July, 2012.

Mary Kasango
JUDGE