



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Chemutai v County Government of Nakuru & 3 others (Judicial Review  
E001 of 2024) [2024] KEELRC 1780 (KLR) (11 July 2024) (Ruling)**

Neutral citation: [2024] KEELRC 1780 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU  
JUDICIAL REVIEW E001 OF 2024  
DN NDERITU, J  
JULY 11, 2024**

**BETWEEN**

**SARAH CHEMUTAI ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF NAKURU ..... 1<sup>ST</sup> RESPONDENT**

**COUNTY SECRETARY, COUNTY GOVERNMENT OF NAKURU .... 2<sup>ND</sup>  
RESPONDENT**

**CHIEF OFFICER FINANCE, COUNTY GOVERNMENT OF  
NAKURU ..... 3<sup>RD</sup> RESPONDENT**

**CECM FINANCE, COUNTY GOVERNMENT OF NAKURU 4<sup>TH</sup> RESPONDENT**

**RULING**

**I. Introduction**

1. By way of a notice of motion (the application) dated 28<sup>th</sup> February, 2024 filed through Magatta & Associates, Advocates, the applicant is seeking the following –
  1. That an order of mandamus do issue compelling the 1<sup>st</sup> Respondent accounting officers viz, the 2<sup>nd</sup> – 4<sup>th</sup> Respondents, to pay the ex-parte Applicant the judgment debt in the sum of Kshs5,360,504/= together with costs which have been assessed and certified by Honourable Magistrate at Kshs192,504/= together with all accrued interest on the costs at 14% per annum from the 16<sup>th</sup> August 2023 until the date of payment arising from the decree made on 27<sup>th</sup> July 2023 in Nakuru Cmcc Misc. Civil App. No. E092 Of 2023 Sarah Chemutai -v- County Government Of Nakuru.
  2. That the respondent pays the ex-parte applicant’s costs of this application.



2. The application is expressed to be filed pursuant to Order 53 Rule 3(1) of the Civil Procedure Rules and based on the grounds on the face of it and supported with the filed statutory statement of facts and the verifying affidavit of the applicant sworn on 16<sup>th</sup> February, 2024 with several annexures thereto.
3. Upon service, the respondents did not respond to the application and this ruling is based on the ex parte presentations by the applicant.

## **II. Evidence/affidavits**

4. The court granted leave to the applicant on 16<sup>th</sup> February, 2024 to file judicial review proceedings against the respondents for an order of mandamus within 14 days of that order. The order of mandamus is intended to compel the respondents to pay to the applicant a sum of Kshs5,360,504/= together with costs of Kshs192,504/= and interest on the two sums of money at 14% per annum from 16<sup>th</sup> August, 2023 until payment in full.
5. The application is founded on the judgment and the decree of 27<sup>th</sup> July, 2023 rendered in Nakuru CMCC Misc. Civil Application No. E092 of 2023 – Sarah Chemutai V County Government of Nakuru.
6. Upon service, as per the affidavit of service on record, the respondents did not react to the application and on 4<sup>th</sup> April, 2024, Mr. Magatta for the applicant submitted that the application be allowed as prayed.
7. Essentially, the application is seeking for an order of mandamus compelling the respondents to settle the decretal sum plus the assessed costs as awarded in the above-mentioned cause.
8. In the statutory statement of facts and the verifying affidavit in support it is stated that in a ruling delivered on 20<sup>th</sup> July, 2023 the applicant was awarded a sum of Kshs5,360,160/= plus costs which costs were subsequently assessed at Kshs192,504/= and a decree accordingly issued on 27<sup>th</sup> July, 2023, in Nakuru CMCC Misc. Civil Application No. E092 of 2023 cited above. A certificate of an order against a county government was issued on 27<sup>th</sup> July, 2023.
9. The applicant has exhibited copies of documents in support of the contents in the foregoing paragraph. The orders sought in the application are thus sought to enforce payment and settlement of the decretal sum plus costs and interest thereon.

## **III. Determination**

10. Upon careful and thorough reading of the application, the statement of facts, the verifying affidavit in support, and the annexures thereto, the court is satisfied that the application has merits and the same is allowed as prayed with costs.

## **IV. Orders**

11. For all the foregoing reasons, the application is allowed and the following orders issued –
  - a. An order of mandamus be and is hereby issued compelling the respondents to pay to the ex-parte applicant the sum of Kshs5,360,504/= plus costs of Kshs192,504/=, together with interest @ 14% per annum on both sums of money from July, 2023 till payment in full.
  - b. The applicant is granted the costs of the application which are hereby assessed at Kshs20,000/=.

**DELIVERED VIRTUALLY, DATED, AND SIGNED AT NAKURU THIS 11<sup>TH</sup> DAY OF JULY, 2024.**



.....  
**DAVID NDERITU**  
**JUDGE**

