



**JM Njenga & Company Advocates Llp v Chief Finance Officer, Nairobi City County & another (Judicial Review Miscellaneous Application E256 of 2025) [2025] KEHC 13424 (KLR) (Judicial Review) (29 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13424 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E256 OF 2025  
RE ABURILI, J  
SEPTEMBER 29, 2025**

**BETWEEN**

**JM NJENGA & COMPANY ADVOCATES LLP ..... APPLICANT**

**AND**

**CHIEF FINANCE OFFICER, NAIROBI CITY COUNTY ..... 1<sup>ST</sup> RESPONDENT**

**COUNTY SECRETARY, NAIROBI CITY COUNTY ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Chamber Summons dated 19<sup>th</sup> August 2025 seeks leave of Court to file for Judicial Review orders of mandamus to compel the Respondents to pay to the Applicant, the sum of Kshs.100,533,222.23/- plus interested accrued thereon from 18<sup>th</sup> July 2025 until payment in full arising from a decree issued on 26<sup>th</sup> March 2025 and certificate of taxation issued on 14<sup>th</sup> July 2025, and both summed up in a certificate of order and costs against the Government issued on 17<sup>th</sup> July 2025.
2. The application is premised on the grounds set out in the statutory statement dated 19<sup>th</sup> August 2025 and verifying affidavit sworn on even date by Mr. Jeremy Njenga who introduces himself as a Managing Partner in the Applicant firm.
3. The Applicant's case is that vide a judgment delivered on 19<sup>th</sup> December 2024, the Honourable Mr. Justice Prof. (DR.) Sifuna Nixon in Nairobi HCCOMM No. E391 of 2022; J.M. Njenga & Co. Advocates LLP v. Nairobi City County directed Nairobi City County to pay the Applicant a sum of Kshs.91,457,159/- plus interest thereon. The court also awarded costs of the application to the Applicant.



4. The events leading up to the ruling delivered by Honourable Sifuna J were that the Applicant had provided legal services to Nairobi City County in Nairobi ELC Judicial Review No. 30 of 2018; Afrison Export Import Limited & Another v. The Ethics and Anti-Corruption Commission & 2 others, and in Nairobi ELC Reference No. 295 of 2018; National Land Commission v. Arison Export Import Limited & others however, that despite the parties agreeing on the legal fees to be paid for both matters, Nairobi City County failed, refused and/or neglected to settle the said amount.
5. According to the Applicant, pursuant to the court's ruling delivered on 19<sup>th</sup> December 2024, the Party and Party costs were subsequently taxed in the sum of Kshs. 1,729,377/= vide a ruling delivered on 30<sup>th</sup> June 2025 by Hon. Noelle Kyanya (DR). It is asserted that the court subsequently issued a decree, certificate of taxation and eventually a certificate of order and costs against Nairobi City County, all which have been duly served on the Respondents but to date, no payment has been made
6. The Applicant has annexed copies of the demand letter, ruling of the court, decree, certificate of taxation, and certificate of order against the Government.
7. I have perused the application for leave to apply for Judicial Review orders of mandamus and compel settlement of the decree in HCCOMM No. E391 of 2022; J.M. Njenga & Co. Advocates LLP v. Nairobi City County, the demand letter, ruling, decree, certificate of taxation, and certificate of order against the Government, and the evidence of service of the demand letter, and certificate of order against government upon Nairobi City County on 22<sup>nd</sup> July 2025.
8. There is evidence of demand for settlement but no response has been forthcoming from the Respondents as demonstrated by the Applicant.
9. However, upon perusal of the documents as filed, I observe that the legal fees and costs sought were in respect of ELC matters and it is not clear how the ELC matters ended up in the Commercial Division of the High Court especially on party and party costs and the mixing up of party and party and advocate client costs which are said to have been admitted, going by the Ruling of Prof Justice Nixon Sifuna attached in HCCOMM No. E391 of 2022.
10. In the premises, I hereby decline to grant leave to apply in this undefended matter at this stage and direct the applicant's counsel to appear before this Court on 30<sup>th</sup> September 2025 at 9.00am to address the Court on these issues before a final determination can be made on the application for leave to apply.
11. I so order.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29<sup>TH</sup> DAY OF SEPTEMBER, 2025**

**R. E. ABURILI**

**JUDGE**

