



**J.M. Njenga & Co. Advocates LLP v Chief Finance Officer, Nairobi City
County & another (Judicial Review Miscellaneous Application E256 of 2025)
[2025] KEHC 13568 (KLR) (Judicial Review) (1 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13568 (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
OCTOBER 1, 2025**

BETWEEN

J.M. NJENGA & CO. ADVOCATES LLP APPLICANT

AND

CHIEF FINANCE OFFICER, NAIROBI CITY COUNTY 1ST RESPONDENT

COUNTY SECRETARY, NAIROBI CITY COUNTY 2ND RESPONDENT

RULING

1. The Chamber Summons dated 19th 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 18th July 2025 until payment in full arising from a decree issued on 26th March 2025 and certificate of taxation issued on 14th July 2025, and both summed up in a certificate of order and costs against the Government issued on 17th July 2025.
2. The application is premised on the grounds set out in the statutory statement dated 19th 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 19th December 2024, the Honourable Mr. Justice Prof. (DR.) Sifuna Nixon in Nairobi HCCOMM No. E391 of 2022; J.M. Njenga & Co. Advocates LLP vs. 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 vs. The Ethics and Anti-Corruption Commission & 2 others, and in Nairobi ELC Reference No. 295 of 2018; National Land Commission vs. 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 19th December 2024, the Party and Party costs were subsequently taxed in the sum of Kshs. 1,729,377/= vide a ruling delivered on 30th 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 to compel settlement of the decree in HCCOMM No. E391 of 2022; J.M. Njenga & Co. Advocates LLP vs. 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 22nd July 2025. I have also heard oral submissions by Ms Wachanga in support of the application.
8. There is evidence of demand for settlement of certificate of order against the Government as required under section 21 of the *Government Proceedings Act* but no response or payment has been forthcoming from the Respondents as demonstrated by the Applicant.
9. At this stage, what the applicant is expected to demonstrate before the Court is that he has an arguable case against the respondent. It is not for the court to delve deep into the merits of the intended application.
10. On the material placed before me, I am satisfied that the applicant has established that he has judgment against the respondent and decree issued. There is no challenge to that judgment and certificate of order against the Government. The said judgment/decree and certificate of order against the government were served upon the respondent demanding for settlement to no avail.
11. Accordingly, I find the applicant's chamber summons to be merited. I grant the applicant leave to apply as sought in the chamber summons to compel the respondent to settle decree and certificate of order against the government issued in HCOMM Case No. E391 of 2022 and direct that the substantive notice of motion be filed and served within 21 days of this order.
12. The substantive motion to be filed in a fresh substantive Judicial review file.
13. Costs if any, shall be in the main motion,
14. This file is closed.
15. I so order.

DATED, SIGNED & DELIVERED VIRTUALLY AT NAIROBI THIS 1ST DAY OF OCTOBER, 2025

R. E. ABURILI

JUDGE

