



**Republic v Municipal Council of Busia & another; County Government of Busia
(Interested Party); Manwari t/a Manwari & Company, Advocates (Ex parte) (Miscellaneous
Judicial Review 15 of 2011) [2025] KEHC 13845 (KLR) (3 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13845 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS JUDICIAL REVIEW 15 OF 2011
WM MUSYOKA, J
OCTOBER 3, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

MUNICIPAL COUNCIL OF BUSIA 1ST RESPONDENT

THE CLERK, MUNICIPAL COUNCIL OF BUSIA 2ND RESPONDENT

AND

COUNTY GOVERNMENT OF BUSIA INTERESTED PARTY

AND

**JULIUS ORINA MANWARI T/A MANWARI & COMPANY,
ADVOCATES EX PARTE**

RULING

1. These are contempt proceedings, initiated within Judicial Review proceedings. They are founded on a Motion, dated 14th February 2025. The ex parte applicant is Julius Orina Manwari. He holds a decree, arising from a ruling that was delivered herein on 30th July 2013, when a mandamus order was made, directed at the respondents herein, who have since been succeeded by the interested party, after promulgation of *the Constitution* of Kenya, on 27th August 2010, to pay to the ex parte applicant, a sum of Kshs. 7,804,294.00, together with costs and interests. Due to further costs and interests, the amount has since ballooned to Kshs. 36,841,473.00, as at 7th July 2021, according to the ex parte applicant.
2. That decree stands unsettled to date, except for a payment of Kshs. 3,000,000.00, on 18th February 2025, hence the application herein, for citation of Gypson Ojiambo Wafula, the County Executive Officer of the interested party, responsible for Finance, and, therefore, the accounting officer for the



interested party, for contempt of court, in disobeying the orders of 30th July 2013. There is also a prayer for citation of the said Gypson Ojiambo Wafula under Chapter 6 of *the Constitution*.

3. The application was served, on the interested party, on 14th February 2025, according to the affidavit of service on record, sworn on 17th February 2025. There was a court appearance on 18th February 2025, whereat Mr. Akotsi, for the interested party confirmed service, and request for time to file a response. Further mentions followed on 19th March 2025 and 8th July 2025. No response had been filed by 8th July 2025, when I allocated the matter a date for ruling, at the request of Mr. Mogi for the ex parte applicant.
4. The record speaks for itself. The court made an order of mandamus, directed at the predecessor of the interested party, way back on 30th July 2013, commanding it to pay a certain sum of money to the ex parte applicant. From 2013 to date, only Kshs. 3,000,000.00 has been paid, meaning that the command by the court, taking the form of the order of mandamus of 30th July 2013, has been largely disobeyed. Disobedience of a court order amounts to contempt of court, and attracts retribution.
5. As the application, dated 14th February 2025, is unopposed, despite service, nothing stops me from citing, as I hereby do, Gypson Ojiambo Wafula, for contempt of court, in terms of prayer 1 of the application. The said Gypson Ojiambo Wafula shall personally present himself to court, on 21st October 2025, to show cause why he should not be convicted, in terms of prayer 2 of the said application, and sentenced under prayer 3 thereof. Failure to attend court in person, by Gypson Ojiambo Wafula, could result in issuance of a warrant for his arrest, so that he is brought to court under escort.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, THIS 3RD DAY OF OCTOBER 2025.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Ms. Eva Adhiambo, Legal Researcher.

Advocates

Mr. Mogi, instructed by Manwari & Company, Advocates for the ex parte applicant.

Mr. Akotsi, instructed by The County Attorney, for the interested party.

