



Kaaria & 5 others v Attorney General & 2 others (Judicial Review Application E143 of 2025) [2025] KEHC 16172 (KLR) (Judicial Review) (10 November 2025) (Ruling)

Neutral citation: [2025] KEHC 16172 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E143 OF 2025
RE ABURILI, J
NOVEMBER 10, 2025**

BETWEEN

**ELIAS GITONGA KAARIA 1ST APPLICANT
PETER MUTEMBEI GITUMA 2ND APPLICANT
PHINEAS MUTWIRI KIRUJA 3RD APPLICANT
DENNIS KIMATHI MURIUNGI 4TH APPLICANT
GREGORY GICHURU KIRUNJA 5TH APPLICANT
JUSTINE MUTUA MBURUGU 6TH APPLICANT**

AND

**THE ATTORNEY GENERAL 1ST RESPONDENT
THE INSPECTOR GENERAL OF POLICE 2ND RESPONDENT
PRINCIPAL SECRETARY MINISTRY OF INTERIOR AND CO-ORDINATION
OF NATIONAL GOVERNMENT 3RD RESPONDENT**

RULING

1. This matter arises from Milimani High Court Commercial Division Case No. HCCCM Misc E452/2025 which was transferred to this court on 3/11/2025.
2. The applicant seeks leave of court to file for mandamus to compel the 3rd Respondent to settle decree in Othaya SRM CC 29/2017 in the sum of Kshs. 1,100,000 payable to the applicants with interest at 12% p.a from 23/11/2018 and costs of the suit.



3. Judgment was rendered on 23/11/2018 by Hon. D.M Ileri, Senior Resident Magistrate. Decree and certificate of order against the Government were issued on 23/3/2021 and 29/10/2019 respectively.
4. The Respondents were served through the Attorney General and demands for settlement made on 8/8/2021 through Nyeri Branch of Attorney General's Chambers further to the demand made on 3/8/2021.
5. I am satisfied that Section 21 of the Government Proceedings Act has been complied with and that mandamus is the only remedy available for the applicants.
6. I grant leave as sought save that the sum due being Kshs.1,100,000 is to be for each to be applicant as per the decree and certificate of order against the Government dated 23/11/2018; and therefore, there being 6 applicants, the total sum due is Kshs.6,600,000/- plus costs as taxed and interest at 12% p.a from 23/11/2018 until payment in full.
7. The main motion to be filed and served within 21 days of today in a fresh Judicial Review file. Costs shall be in the main motion.
8. This file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 10TH DAY OF NOVEMBER, 2025

R.E. ABURILI

JUDGE

