



**Republic v Attorney General, Nairobi & 2 others (Judicial Review Application E348 of 2025) [2025] KEHC 16255 (KLR) (Judicial Review) (10 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16255 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW APPLICATION E348 OF 2025  
RE ABURILI, J  
NOVEMBER 10, 2025**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**THE HONOURABLE ATTORNEY GENERAL, NAIROBI ..... 1<sup>ST</sup> RESPONDENT**

**THE CHIEF EXECUTIVE OFFICER INDEPENDENT ELECTORAL &  
BOUNDARIES COMMISSION ..... 2<sup>ND</sup> RESPONDENT**

**INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION .... 3<sup>RD</sup>  
RESPONDENT**

**RULING**

1. The chamber summons dated 6<sup>th</sup> November 2025 supported by the statutory statement of even date and affidavit sworn by Solomon Gitundu on the 6<sup>th</sup> November 2025 seeks leave of court to apply for mandamus order to compel the Respondents to settle decree in Milimani CMCC E2587 2022 – Soloh Worldwide Inter-Enterprises Ltd vs IEBC.
2. The decretal sum is stated to be Kshs.5,843,849 with interest from 28 5 2025 at the rate of 12% per annum. The claim is in respect of decree given on 15 12 2023 and issued on 26 3 2024 and certificate of order against the Government dated 17 7 2025.
3. The certificate of order against the Government was served upon the Respondent vide letter dated 12 8 2025 and received on 13 8 2025, with the applicant’s Counsel demanding settlement of the decree. There is no settlement to date.
4. The applicant also prays for summons to issue to the respondents to appear and explain non payment of the decretal sum. It also prays for costs.



5. I have considered the application and the supporting documentation. There is a decree for the sum of Kshs.5,843,849 as per the certificate of order against the Government dated 17 7 2025. The same was served on the Respondents seeking or demanding payment on 23 8 2025, 21 days after issuance.
6. The applicant has no other remedy as it cannot apply for attachment of properties of IEBC which are protected by law. Nonetheless, the applicant has enjoined the Attorney General to these enforcement proceedings. The Attorney General is not the judgement debtor and being merely a principal legal advisor to the National Government does not make it a judgment debtor to settle decrees of Government entities or departments that it either represents or on whose behalf it may have been sued pursuant to section 12 (1) of the *akn ke act 1956 47 Government Proceedings Act*.
7. For the above reason, the Attorney General who is enjoined to these proceedings is removed from these enforcement proceedings. The Attorney General is hereby struck out and expunged from these mandamus proceedings.
8. As against the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents, they are the Accounting Officer and the IEBC is a Constitutional Commission.
9. I find that a prima facie arguable case has been made against the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to warrant grant of leave to apply for mandamus to compel settlement of decree disclosed herein.
10. I grant leave to apply as sought in prayer 1 of the chamber summons, but only against the 2<sup>nd</sup> and 3<sup>rd</sup> respondents. I decline to grant prayer 2 of issuing summons as it is prematurely sought. There must be mandamus issued, and only where the decree is violated, can other proceedings, including contempt ensure.
11. Costs shall be in the main notice of motion which shall be filed and served within 21 days of today in a fresh Judicial Review file.
12. This file is closed.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 10<sup>TH</sup> DAY OF NOVEMBER, 2025**

**R.E. ABURILI**

**JUDGE**

