



Kangara t/a Pinkstone Enterprises v County Executive Committee Member for Finance, Nairobi County & another (Judicial Review Miscellaneous Application E153 of 2025) [2025] KEHC 17139 (KLR) (Judicial Review) (21 November 2025) (Ruling)

Neutral citation: [2025] KEHC 17139 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E153 OF 2025
RE ABURILI, J
NOVEMBER 21, 2025

BETWEEN

BENSON KANGARA T/A PINKSTONE ENTERPRISES APPLICANT

AND

**THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE,
NAIROBI COUNTY 1ST RESPONDENT**

THE ACCOUNTING OFFICER NAIROBI CITY COUNTY .. 2ND RESPONDENT

RULING

1. The chamber summons dated 20th November, 2025 is brought under certificate of urgency. However, my perusal of the application reveals that there is no such urgency disclosed noting that all that the applicant needs is leave of Court to apply for judicial review orders of mandamus to compel the respondents to settle decree in Nairobi HC Commercial and Tax Division Suit No. 502 of 2016, which decree was issued on 15/11/2023 pursuant to judgment delivered on 20/11/2019 by the late Hon. D.S. Majanja J, I therefore find no urgency involved and I decline to certify it as urgent.
2. On the merits, the application is brought under Order 53 of the Civil Procedure Rules, seeking leave of court to apply for mandamus. The application is accompanied by a statutory statement and verified by an affidavit sworn on 20/11/2025 by Benson Kang'ara. The applicant provides the background to the cause of action giving rise to the Judgement and decree of the High Court as stated above. It annexes copy of Judgment, decree, certificate of order against the government for a sum of Kshs 25,180,000 inclusive of interest at 12% per annum from the date of filing suit in the Commercial Court until payment in full and a demand for settlement of the said Certificate of Order against the Government, in accordance with section 21 of the [Government Proceedings Act](#).



3. Having considered the application and the accompanying documents, I am satisfied that the applicant has demonstrated an arguable case that it has a lawful judgment and decree of the court against the City County Government of Nairobi and that it has demanded for settlement by serving the Respondents with the Certificate of Order Against the Government but that there is no settlement of the said decree and certificate.
4. Mandamus being the only remedy that the applicant has, since the law does not permit execution of decree against the government by way of attachment of government assets. That being the case, the applicant cannot continue holding a barren decree as the respondents seem not to be moved by the demand for settlement made on 24/3/2025, five years after judgment was delivered in favour of the applicant against the respondents.
5. I find that the applicant has made out a case for leave to apply for mandamus.
6. I grant leave to the applicant as sought in the chamber summons dated 20th November, 2025 and direct that the substantive notice of motion shall be filed and served within twenty-one (21) days of today.
7. The main Motion shall be filed in a fresh judicial Review file, this being a miscellaneous file.
8. Costs shall be in the main motion.
9. This file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21ST DAY OF NOVEMBER, 2025

R.E. ABURILI

JUDGE

