

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

JUDICIAL REVIEW NO E013 OF 2024

**IN THE MATTER OF AN APPLICATION BY DANITA GATI Suing as
Chairperson of PAMOJA WOMEN GROUP**

AND

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR
AN ORDER OF MANDAMUS**

**AND IN THE MATTER OF GOVERNMENT PROCEEDINGS ACT
SECTION 21(4) AS READ WITH ORDER 22 AND 29 OF THE CIVIL
PROCEDURE RULES**

AND

**IN THE MATTER OF EXECUTION OF A DECREE FOR KSHS.
1,776,735/=**

REPUBLIC APPLICANT

VERSUS

**THE COUNTY SECRETARY MIGORI COUNTY GOVERNMENT...1st
Respondent**

**The Chief Finance Officer Migori County Government
2nd Respondent**

DANITA GATI Suing as Chairperson of

**PAMOJA WOMEN GROUPEXPARTE
APPLICANT**

JUDGEMENT

The ex-parte Applicant obtained judgment in Migori CMC CC No. 20 of 2020 for the sum of Kshs.834, 245/= together with costs assessed at Kshs48,660/= and interest which made the total some owed as at the time of filing the application to be 882,905/=. The ex-parte Applicant

seeks orders of mandamus to compel the Respondent to pay the said decretal sums pursuant to Section 21 (4) of the Government Procedures Act as they had refused and/ or failed to satisfy the said decree despite having been given notice of the same.

Upon filing of the application, the Respondents were duly served but they did not respond to the application. Directions were taken for canvassing of application by way of written submissions and timelines given for each party to file and serve submissions but it is only the ex-parte Applicant who filed submissions dated 20th February 2025 and urged the court to issue the orders prayed for as they had satisfied and complied with the provisions of Section 21 of the Government Proceedings Act.

This court finds that the Respondent having failed to respond to the application and having failed to file submissions, the ex-parte Applicant's application remains unopposed and is therefore allowed as prayed. The orders of mandamus compelling the Respondents to satisfy the decree of the court in Migori CMCC No. 20 of 2020 Danita Gati suing as Chairperson of Pamoja Women Group are hereby issued. The Respondents are also condemned to pay cost and interest on the decretal sums from the date of the suit herein at 14% per annum until payment in full. Orders Accordingly.

DATED, SIGNED, AND DELIVERED AT MIGORI THIS 20th Day of November, 2025.

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ANNE ONG'INJO

JUDGE