



**Republic v County Secretary Migori County Government & another; Keraryo (Ex parte Applicant) (Suing as Chairperson of Bukuria Christian Children Hope Group) (Judicial Review E007 of 2024) [2025] KEHC 17591 (KLR) (20 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17591 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MIGORI  
JUDICIAL REVIEW E007 OF 2024  
ACA ONG'INJO, J  
NOVEMBER 20, 2025**

**IN THE MATTER OF AN APPLICATION BY JOSEPH MWITA KERARYO SUING AS CHAIRPERSON OF BUKIRA CHRISTIAN CHILDREN HOPE GROUP**

**AND**

**2.**

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

**3.**

**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/=**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**THE COUNTY SECRETARY MIGORI COUNTY GOVERNMENT .... 1<sup>ST</sup>  
RESPONDENT**

**THE CHIEF FINANCE OFFICER MIGORI COUNTY GOVERNMENT .... 2<sup>ND</sup>  
RESPONDENT**

**AND**

**JOSEPH MWITA KERARYO ..... EX PARTE APPLICANT  
SUING AS CHAIRPERSON OF BUKURIA CHRISTIAN CHILDREN HOPE  
GROUP**



## JUDGMENT

1. The Ex-parte Applicant herein obtained judgment in Migori CMC CC No. 20 of 2022 against the County Government of Migori for the sum of Kshs. 594,000/= together with costs assessed at Kshs. 209,465/= and interest which made the total sum owed as at the time of filing the application to be 1,692,290/=. The exparte 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, neglected and/ or failed to satisfy the said decree despite having been given notice of the same.
2. 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 Exparte Applicant who filed submissions dated 20<sup>th</sup> 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*.
3. This court finds that the Respondent having failed to respond to the application and having failed to file submissions after duly being notified and being given timelines within which to respond and file submissions, the Exparte 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 2022 Joseph Mwita Keraryo suing as Chairperson of Bukira Christian Children Hope 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 20<sup>TH</sup> DAY OF NOVEMBER, 2025.**

.....

**ANNE ONG'INJO**

**JUDGE**

