

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**JUDICIAL REVIEW DIVISION**  
**JUDICIAL REVIEW APPLICATION NO. 282 OF 2014**

**PARK TOWERS LIMITED.....APPLICANT**

**VERSUS**

**NAIROBI CITY COUNTY.....RESPONDENT**

**RULING**

1. On 27/11/2025 when this matter came up for mention, the Nairobi City County presented to this court Form A, a letter dated 20/11/2025 send to the Controller of Budget and served on 20/11/2025, requesting for the grant of Credit on Exchequer Account – Kshs.56,599,111 to enable the City County make partial payments to various decree holders whose decrees have been pending before this court for many years, culminating into the court issuing mandamus orders, contempt of court orders as well as warrants of arrest against the Chief Officer, Finance as well as the Chief Executive Committee Member for Finance, for the City County of Nairobi being the judgment debtor.
2. As at now, there are over 100 warrants of arrest in respect of the execution of the said decrees which are in excess of 130. The City County Government of Nairobi and the various decree holders, with the intervention of the court have held consultative meetings wherein the Nairobi City County Government undertook to budget for the decrees and ring fence the budget for settlement of the said decrees.
3. It is now clear that the Controller of Budget has stood in the way of the City County of Nairobi in settling some of the decrees. Any person,

whether a party to a suit or not, and who has the authority or power to facilitate execution of court orders must never stand in the way of or be seen to be frustrating execution of or obedience of court orders.

4. The City County Government of Nairobi and the decree holder in this matter, representing the over 100 decree holders, 25 of whom the request was made to the Controller of Budget on 20/11/2025 for approval to pay, have sought for summons to issue to the Controller of Budget to appear in court and explain why the approval sought cannot be granted to enable the settlement of decrees.
5. Before I make any adverse orders against the Controller of Budget, I am satisfied that at this stage, summons are the appropriate orders.
6. I therefore hereby issue summons to the Controller of Budget, to be served upon the office holder, to appear before this court on 17/12/2025 to explain why the approval sought on 20/11/2025 by the Nairobi City County Government which is the judgment debtor in this court in various pending decrees, and more specifically, the 25 decrees amounting to Kshs.56,599,111 cannot be approved for payment to the various listed decree holders.
7. I so order.

**Dated, Signed &Delivered virtually at Nairobi this 15<sup>th</sup> Day of December, 2025.**

**R.E. ABURILI  
JUDGE**