

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW MISCELLANEOUS APPLICATION NO. E006 OF 2026

STEPHEN MUSUMBA T/A ZAPATA AGENCIES.....APPLICANT

VERSUS

THE PRINCIPAL SECRETARY MINISTRY OF
AGRICULTURE & LIVESTOCK DEVELOPMENT.....1ST RESPONDENT

THE HONOURABLE ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1. The chamber summons dated 20th January 2026 is not certified urgent as no urgency is disclosed. On the merits thereof, the applicant seeks leave of court to apply for Judicial Review orders of mandamus to compel the Respondents to settle decree and certificate of order against the Government issued in Milimani CMCC 5641/2018 and as reviewed on appeal in HCCA E018/2020 at Nairobi.
2. The amount in the certificate of order against the Government dated 18/5/2022 issued on 3/5/2023 is Kshs.161,375 being costs of the suit.
3. I however note that there are 2 certificates of order against the Government with one dated 20/3/2023 an amount that is not

clear. The prayer for leave to apply gives two sets of amounts of Kshs 278,685.80 and Kshs 476400. This court cannot tell whether the applicant is seeking both figures or only interest on the balance. The lack of clarity emerges from the decree and certificate of order against the Government issued following the successful appeal.

4. I decline to grant leave and direct the applicant to return to the original courts that issued the certificate of order against the Government and decree which gives two figures to seek and obtain clear decree and certificate of order against the Government regarding the figures 278,645.50 and 476,400 and only upon obtaining clarification of orders should the applicant be issued with an amended decree and amended certificate of order against the government to be used to apply for mandamus, after serving the Respondents with the said amended Decree/Certificate of order against the Government.

5. This is necessary as this court cannot enforce orders which are ambiguous, noting that the original plaint was not availed for perusal.

6. Accordingly, this chamber summons is stuck out with no orders as to costs on account of an ambiguous prayer for leave for mandamus.

7. This file is closed.

Dated, Signed and Delivered at Nairobi this 22nd Day of January, 2026

**R.E. ABURILI
JUDGE**

ORIGINAL