

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

JUDICIAL REVIEW APPLICATION NO. E008 OF 2026

PROF. TOM OJIENDA & ASSOCIATES.....APPLICANT

VERSUS

THE COUNTY EXECUTIVE COMMITTEE MEMBER,

FINANCE & ECONOMIC AFFAIRS

NAIROBI CITY COUNTY.....1ST RESPONDENT

COUNTY SECRETARY,

NAIROBI CITY COUNTY.....2ND RESPONDENT

CHIEF OFFICER, FINANCE/COUNTY TREASURER,

NAIROBI CITY COUNTY.....3RD RESPONDENT

RULING

1. The notice of motion dated 17/12/2025 seeks Judicial Review orders of mandamus to compel the Respondents to pay the applicant a sum of Kshs.2,620,195.04 being decretal sum decreed in Employment and Labour Relations Court Misc App No. E056/2024 as advocates costs against the Respondent client following legal representation of the

Respondent in Employment and Labour Relations Court Cause No.402/2017.

2. I observe that the applicant has not sought and obtained leave to apply under Order 53 Rule 1 of the Civil Procedure Rules, yet the application is brought under the said provisions. That aside, though critical, the applicant's costs were taxed before Employment and Labour Relations Court Deputy Registrar as per the certificate of taxation dated 13/9/2024 issued in ELRC MISC APPL. NO. E056 OF 2024.
3. That being the case, as this court has no mandate execute orders or decrees of the Employment and Labour Relations Court, and as Section 13 of Employment and Labour Relations Court Act clearly provides for the manner of enforcement of the orders or decrees of Employment and Labour Relations Court, providing that:

13. A judgement, award, order or decree of the Court shall be enforceable in accordance with the rules made under this Act
4. I hereby decline jurisdiction and strike out the Notice of Motion dated 17/12/2025 with no orders as to costs.
5. This file is closed.
6. I so order.

Dated, Signed and Delivered at Nairobi this 19th Day of January, 2026

R.E. ABURILI

JUDGE

ORIGINAL