

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW MISC. APPLICATION NO. E002 OF 2026

TECHNOBRAIN (KENYA) LIMITED.....APPLICANT

VERSUS

THE CHIEF OFFICER, MOBILITY AND ICT INFRASTRUCTURE,

NAIROBI CITY COUNTY.....1ST RESPONDENT

COUNTY GOVERNMENT OF NAIROBI.....2ND RESPONDENT

RULING ON LEAVE TO APPLY

1. The chamber summons dated 14/1/2026 seeks leave of court, under Sections 8 & 9 of the Law Reform Act and Order 53 Rule 1 of the Civil Procedure Rules as well as Section 21 (3) of the Government Proceedings Act, to file for Judicial Review orders of Mandamus to compel the Respondents to settle decree and certificate of order against the Government issued pursuant to a consent Judgment dated 28/7/2023 in HCCOM E584/2021 between the applicant herein and Nairobi City County Government. The decretal sum as per Certificate of Order against the Government is KSh. 168,514,186 together with accruing interest.
2. The Respondents were served with the application for leave to enable them respond to the application but there was no appearance or response filed.

3. The application was argued orally on 3/3/2026 by the applicant's counsel, relying on the filed supporting documents which include decree by consent dated 28/7/2023, Certificate of Order against the Government dated 30th October, 2025 as well as the pleadings in the primary suit before the Commercial Court of the High Court and the Consent dated 7/6/2023 entering Judgment in favor of the applicant against the Nairobi City County Government.
4. The amount as claimed and awarded was in respect of dues on a contract dated 6/3/2020 for supply, installation, configuration, customization, testing, commissioning and maintenance of an integrated city Revenue Management System ICMS for an agreed sum of KSh. 847,229,896.65 agreed to be payable in 7 intervals starting from the financial year 2019-2020 until the Financial Year 2023/2024. The Respondents paid KSh. 142, 913, 793 leaving the balance claimed and as per the consent dated 7th June, 2023. The Respondent defaulted in meeting its obligations after performance by the applicant hence the suit and the Judgment which was entered by consent.
5. There are several letters of correspondence showing demand for settlement and service of the decree and Certificate of Order against the Government upon the County Attorney as stipulated in Section 21 of the Government Proceedings Act.
6. As Section 25 of the Government Proceedings Act bars execution of decrees by way of attachment against assets of the Government, the only remedy is

Mandamus to issue compelling the accounting officer of the City County Government in charge of the respective sector, in this case, the Chief Officer, Mobility and ICT Infrastructure, to settle the decree hence this application.

7. I am satisfied that on the material placed before this court, the application meets the threshold for leave to apply. The intended motion is prima facie arguable and is neither frivolous nor hopeless.
8. I allow the chamber summons dated 14th January, 2026 and grant leave to the applicant to institute judicial review proceedings for Mandamus against the Respondents compelling them to settle decree passed by consent in HCCOM Case No. E584/2021 and Certificate of Order against Government dated 30th October, 2025 for the sum of KSh. 168, 516, 186 together with interest as per the Judgment of 19/7/2023.
9. The Main Motion to be filed and served within 21 days of today in a Substantive Judicial Review application file as these proceedings were filed in a miscellaneous file.
10. Costs shall be in the main motion.
11. This file is closed.
12. I so order.

Dated, Signed and Delivered at Nairobi this 4th Day of March, 2026

R.E. ABURILI

JUDGE

ORIGINAL