

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

JUDICIAL REVIEW MISC APPLICATION NO. E037 OF 2026

GITUMA OTIENO & CO. ADVOCATES.....APPLICANT

VERSUS

**THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR
FINANCE NAIROBI CITY COUNTY GOVERNMENT.....1ST RESPONDENT**

**THE CHIEF OFFICER FINANCE/COUNTY TREASURER,
NAIROBI CITY COUNTY GOVERNMENT.....2ND RESPONDENT**

RULING

1. The chamber summons dated 9/3/2026 is not certified urgent as no urgency is disclosed.
2. The applicant advocate seeks leave of court to apply for Judicial Review orders of mandamus to compel the Respondents to settle decree and certificate of order for costs assessed in his favour pursuant to judgment on costs dated 15/3/2025 in HCJR Misc E011/2023 by Justice Chigiti SC, amounting to Kshs. 1,601,989.61. He also prays for costs.
3. I have perused the application and the statutory statement together with the attached documents. I am satisfied that the applicant has a valid decree and certificate of order against the

Government as served upon the Respondents on 21/3/2025 demanding settlement, as required under **Section 21 of the Government Proceedings Act.**

4. In the premises, I am satisfied that the applicant has a prima facie arguable case for consideration at the substantive stage. I grant leave to the applicant to apply for Judicial Review mandamus order to compel the Respondents to settle decree and certificate of order for costs in the sum of Kshs. 1,601,989.61 as awarded in HCJR Misc E011/2023 on 15/3/2025.
5. The substantive motion to be filed and served within 21 days of today. Costs in the main motion. As the applicant has filed these proceedings for leave in a Miscellaneous file, the main motion to be filed in a fresh substantive Judicial Review.
6. This file is closed.

Dated, Signed & Delivered virtually at Nairobi this 10th Day of March, 2026

**R.E. ABURILI
JUDGE**

ORIGINAL