



**Republic v County Government of Nyamira; Bwoma (Ex parte Applicant) (Judicial Review E006 of 2025) [2026] KEHC 4442 (KLR) (19 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4442 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
JUDICIAL REVIEW E006 OF 2025  
TW CHERERE, J  
MARCH 19, 2026**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF NYAMIRA ..... RESPONDENT**

**AND**

**POLYCARP NYAKUNDI BWOMA ..... EX PARTE APPLICANT**

**RULING**

1. The *Ex parte* Applicant, Polycarp Nyakundi Bwoma, has moved this Court by Notice of Motion dated 10<sup>th</sup> November 2025 seeking an Order of *Mandamus* to compel the County Government of Nyamira to satisfy a decree issued in Nyamira CMCC No. 17 of 2020. The application is brought under Order 53 of the Civil Procedure Rules, Sections 8 and 9 of the Law Reform Act and Section 21 of the Government Proceedings Act. The Applicant seeks payment of the decretal sum together with costs and interest.
2. The Applicant instituted the suit against the Respondent seeking compensation for injuries sustained in a road traffic accident involving the Respondent’s motor vehicle. Judgment was delivered on 09<sup>th</sup> November 2022 in his favour, awarding Kes. 750,000 as general damages and Kes. 15,638 as special damages, totalling Kes. 765,638.
3. A decree was subsequently extracted and costs taxed at Kes. 125,800. The Applicant also obtained a certificate of order against the Government under Section 21 of the Government Proceedings Act confirming the sums payable together with interest. The decree, certificate of costs and certificate of order were served upon the Respondent, and a demand for payment issued by letter dated 17<sup>th</sup> March 2025, received on 19<sup>th</sup> March 2025. Despite service, the decretal sum remains unpaid, prompting the present application.



4. The Respondent opposed the application, contending that it is premature, that payment must comply with the applicable public finance framework, and that service upon the accounting officer had not been demonstrated.
5. I have considered the application, the affidavits, the grounds of opposition and the parties' submissions.
6. Section 21 of the [Government Proceedings Act](#) requires a successful litigant to obtain and serve a certificate of order against the Government upon the relevant Accounting Officer to facilitate settlement of the decree.
7. The material before the Court shows that the decree and the requisite certificates were duly served and acknowledged on 19<sup>th</sup> March 2025. Service is therefore established.
8. Once a certificate of order against the Government has been issued and served, a statutory duty arises on the part of the Accounting Officer to satisfy the decree. *Mandamus* lies to compel performance of that duty where payment is not made, and such obligation cannot be avoided on account of administrative or budgetary constraints.
9. The Respondent's reliance on public finance procedures does not displace that statutory obligation. To hold otherwise would undermine the authority of court decrees.
10. In the end, it is hereby ordered:
  1. The Notice of Motion dated 10<sup>th</sup> November 2025 is merited.
  2. An Order of *Mandamus* is hereby issued compelling the County Government of Nyamira, through its Accounting Officer, to pay to the *Ex parte* Applicant Kes. 765,638 together with taxed costs of Kes. 125,800.
  3. The decretal sum shall attract interest at the rate of 12% per annum from 09<sup>th</sup> November 2022 until payment in full, while the taxed costs shall attract interest at the rate of 14% per annum from 04<sup>th</sup> February 2020 until payment in full.
  4. The Respondent shall also bear the costs of this application.

**DELIVERED AT NYAMIRA THIS 19<sup>TH</sup> DAY OF MARCH, 2026.**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Hilda.

For *Ex parte* Applicant - Mr. Orayo for Khan & Associates.

For Respondent - Mr. Marongo for County Attorney, Nyamira County Government.

