



Republic v Clerk, County Assembly of Homa Bay & 2 others; Nyambok & another (Interested Parties); Nyangi & another (Exparte Applicants) (Judicial Review Application 5 of 2020) [2024] KEELRC 875 (KLR) (24 April 2024) (Ruling)

Neutral citation: [2024] KEELRC 875 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU
JUDICIAL REVIEW APPLICATION 5 OF 2020**

**S RADIDO, J
APRIL 24, 2024**

BETWEEN

REPUBLIC APPLICANT

AND

CLERK, COUNTY ASSEMBLY OF HOMA BAY 1ST RESPONDENT

COUNTY ASSEMBLY, HOMA BAY 2ND RESPONDENT

COUNTY ASSEMBLY SERVICE BOARD, HOMA BAY 3RD RESPONDENT

AND

JULIUS NYAMBOK INTERESTED PARTY

RICHARD OGINDO INTERESTED PARTY

AND

HON MICHAEL NYANGI EXPARTE APPLICANT

HON PETER JUMA EXPARTE APPLICANT

RULING

1. On 11 December 2020, the Court dismissed with costs a Notice of Motion seeking judicial review orders brought by the *ex-parte* applicants.
2. The 2nd Respondent then filed its Bill of Costs which was taxed on 26 April 2023.
3. On November 2023, the Respondent made an application for execution. The Deputy Registrar marked the application to be placed before me on 11 December 2023.



4. The parties did not attend Court on 11 December 2023, and I noted that there was no pending application on record warranting my attention. Nonetheless, I directed the Deputy Registrar to notify the parties to appear before me on 5 February 2024.
5. When the Respondent appeared on 5 February 2024, the Court was informed that the parties had agreed to liquidate the costs in instalments.
6. The Court directed that a consent be filed. There were appearances on 15 February 2024, 6 March 2024, and 12 March 2024. There was no consent and I directed that I would give a Ruling today.
7. Under Order 22 of the [Civil Procedure Rules](#) and practices of the Court, execution proceedings are primarily the jurisdiction of the Deputy Registrar. It was, therefore, an error for the Registry to refer the application for execution to the Court.
8. The Court directs that the file be placed before the Deputy Registrar for further proceedings.

DELIVERED VIRTUALLY, DATED AND SIGNED IN KISUMU ON THIS 24TH DAY OF APRIL 2024.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

Ex-parte applicants did not participate

1st Respondent did not participate

For 2nd Respondent Mr Otieno instructed by Owiti, Otieno & Ragot Advocate

3rd Respondent did not participate

Court Assistants Chrispo/Chemwolo

