



Republic v County Government of Meru & 4 others (Judicial Review E003 of 2024) [2025] KEHC 2732 (KLR) (27 February 2025) (Ruling)

Neutral citation: [2025] KEHC 2732 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
JUDICIAL REVIEW E003 OF 2024
HM NYAGA, J
FEBRUARY 27, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

COUNTY GOVERNMENT OF MERU 1ST RESPONDENT

COUNTY EXECUTIVE COMMITTEE MEMBER (CECM) FINANCE, COUNTY GOVERNMENT OF MERU 2ND RESPONDENT

CHEIF OFFICER FINANCE, COUNTY GOVERNMENT OF MERU 3RD RESPONDENT

CHIEF OFFICER, LEGAL AFFAIRS, PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION, COUNTY GOVERNMENT OF MERU 4TH RESPONDENT

COUNTY SECRETARY, COUNTY GOVERNMENT OF MERU 5TH RESPONDENT

RULING

1. Before me is an application dated 7th March 2024 which seeks the following orders:-
 - a. That this Honorable court be pleased to issue an order of Mandamus compelling the respondent to settle the decree, costs and interest in Tigania SOMCC No. E109 of 2021, which now stands at Ksh. 4,708,225 and any future interest till full payment.
 - b. That this Honorable court be pleased to issue such further relief or orders as it may deem fit and just to grant
 - c. That the costs of this application be provided for.
2. The Application is supported by the applicant affidavit and statement of facts dated 7th March 2024.



3. In a nutshell, the applicant states that she is the personal representative of the estate of Timothy Kariithia Ncebere (deceased) who died in a road accident on 28th April 2020 along Maskarini-Ruiru road Meru county where the 1st respondent vehicle registration number EKA 664 R collided with the deceased motorcycle. That subsequently he filed a civil suit in Tigania SPMS court vide case file No. E109 of 2021 seeking general and special damages under the *Fatal Accidents Act* and the *Law Reform Act*.
4. The ex-parte applicant further avers that Judgement was entered in her favour for Ksh 4,165,000/- plus costs and interest. That costs were assessed at Ksh 210,025. That no appeal was filed against the lower courts judgement. That a certificate of order against the Government was issued but the decree has not been satisfied.
5. The Applicant further avers that she sought leave to file the present application vide High court J/C vide Application E002 of 2023, which leave was granted on 26th February 2024. The Application was not opposed.
6. I have perused the application, the statement of fact and the supporting affidavit. The requisite leave was duly obtained print to the Ruling of the application.
7. In the circumstances I allow the application as prayed.
8. Costs to the ex-parte applicant.

DATED, SIGNED & DELIVERED AT MERU THIS 27TH DAY OF FEBRUARY, 2025.

H.M. NYAGA

JUDGE

