



**Republic v County Government of Uasin Gishu & 2 others (Judicial Review
E005 of 2024) [2025] KEHC 12352 (KLR) (3 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12352 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
JUDICIAL REVIEW E005 OF 2024
RN NYAKUNDI, J
SEPTEMBER 3, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

**COUNTY SECRETARY, COUNTY GOVERNMENT OF UASIN
GISHU 1ST RESPONDENT
CHIEF OFFICER FINANCE, THE COUNTY GOVERNMENT OF UASIN
GISHU 2ND RESPONDENT
COUNTY GOVERNMENT OF UASIN GISHU 3RD RESPONDENT**

RULING

1. Before me is an application dated 22nd day of April 2024 premised under Section 8 and 9 of the [Law Reform Act](#) and Order 53 of Rule 3 of the Civil Procedure Rules where the Applicant is seeking the following orders:
 - a. The ex-parte applicant be granted an order of mandamus compelling the Respondent to settle the decretal amount/costs, and interest amounting to Kshs.2, 798, 256.00 owed to the ex-parte Applicant in the following matters:-
 - a. Eldoret HC. Misc. Application No.E007 of 2022
 - b. Eldoret HC. Misc. Application No.74 of 2008
 - c. Eldoret HC. Misc. Application No.120 of 2019
 - d. Eldoret HC. Misc. Application No.5 'A' of 2022
 - e. Eldoret HC. Misc. Application No.E031 of 2022



- f. Eldoret HC. Misc. Application No.E055 of 2022
- g. Eldoret HC. Misc. Application No.E056 of 2022
- h. Eldoret HC. Misc. Application No.E063of 2022
- i. Eldoret HC. Misc. Application No.125 of 2019
- j. Eldoret HC. Misc. Application No.E096 of 2022
- k. Eldoret HC. Misc. Application No.E095 of 2022
- l. Eldoret HC. Misc. Application No.E102 of 2022
- m. Eldoret HC. Misc. Application No.E100 of 2022
- n. Eldoret HC. Misc. Application No.E099 of 2022
- o. Eldoret HC. Misc. Application No.E101 of 2022
- p. Eldoret HC. Misc. Application No.E098 of 2022
- q. Eldoret HC. Misc. Application No.E038 of 2022
- r. Eldoret HC. Misc. Application No.E040of 2022
- s. Eldoret HC. Misc. Application No.28 'A' of 2021
- a. The costs of this application be awarded to the ex-pate Applicant.
- 1. The Application is made on the following grounds among others that:
 - i. The following matters were cause listed before the taxing master on various dates and the rulings were delivered and the ex-parte applicant's legal fees was taxed as follows: -
 - a. Eldoret HC. Civil Misc. Application No. E007 of 2022-5/9/2022 Kshs.371,065.00
 - b. Eldoret HC. Civil Misc. Application No.74 of 2008-20/8/2021Kshs. 45,531.00
 - c. Eldoret HC. Civil Misc. Application No.120 of 2019-20/5/2022 Kshs.104,190.00
 - d. Eldoret HC. Civil Misc. Application No.5"A' of 2022-21/10/2022 Kshs.273,913.00
 - e. Eldoret HC. Civil Misc. Application No.E031 of 2022-21/10/2022 Kshs.167,950.00
 - f. Eldoret HC. Civil Misc. Application No. E055 of 2022-25/10/2022 Kshs. 56,835.00
 - g. Eldoret HC. Civil Misc. Application No.E056 of 2022-25/10/2022 Kshs. 55,450.00
 - h. Eldoret HC. Civil Misc. Application No.E063 of 2022-25/10/2022 Kshs. 56,835.00



- i. Eldoret HC. Civil Misc. Application No.E125 of 2022-29/11/2022 Kshs.71,425.00
 - j. Eldoret HC. Civil Misc. Application No.E096 of 2022-29/11/2022 Kshs.93,893.00
 - k. Eldoret HC. Civil Misc. Application No.E095 of 2022-29/11/2022 Kshs.93,893.00
 - l. Eldoret HC. Civil Misc. Application No.E102 of 2022-29/11/2022. Kshs.92,508.00
 - m. Eldoret HC. Civil Misc. Application No.E100 of 2022-29/11/2022 Kshs.92,508.00
 - n. Eldoret HC. Civil Misc. Application No.E099 of 2022-29/11/2022Kshs.92,508.00
 - o. Eldoret HC. Civil Misc. Application No.E101 of 2022-29/11/2022 Kshs.92,508.00
 - p. Eldoret HC. Civil Misc. Application No. E098 of 2022-29/11/2022 Kshs.92,508.00
 - q. Eldoret HC. Civil Misc. Application No.E038 of 2022-6/12/2022 Kshs.56,143.00
 - r. Eldoret HC.Civil Misc. Application No. E040 of 2022-6/12/2022 Kshs.56,143.00
 - s. Eldoret HC. Civil Misc. Application No.28'A'of2021-12/5/2023 Kshs.832,450.00
- Total amount less interests. Kshs. 2,798,256.00

- ii. The orders as to costs have not been set aside to date.
- iii. The ex-parte applicant has obtained certificate of costs for all of the above nineteen (19) matters.
- iv. The ex-parte applicant has adhered to and complied with all the due process of law including obtaining certificate of order for costs against the government on all the 19 aforementioned matters against the respondent.
- v. The Respondent has to date not paid the sum of Kshs. 2,798,256/=to the ex-parte applicant being the fees outstanding on the matters he has handled on behalf of the Respondent.
- vi. The Respondent has therefore failed to adhere to the orders of this Honorable Court on the payment of the legal fees due to the ex-parte applicant.
- vii. It is now over one (1) year since the court issued the orders.
- viii. A period of more than one (1) year is inordinate particularly where no order of stay of execution was sought and/or obtained.



- ix. The ex-parte Applicant has issued several demand letters demanding for payment of the taxed costs but to no avail.
- x. The court should therefore grant to ex parte applicant an order of mandamus to compel the Respondents to pay the taxed amount

Directions

- 3. From the record, a memorandum of appearance has been entered by M/s Chemurgor Kosgei Co. advocates for the Respondents. As a consequence of the time remaining for this court to deliver its decision on 18th of September 2025 a final notice of 3 days be and is hereby issued to the said law firm to file its response and submissions on or before 8th of September 2025. This aspect on submissions applies equally to the learned counsel for the applicant. The final internal bring up is scheduled on the 8th of September 2025.

GIVEN UNDER MY HAND AND SEAL OF THIS COURT AT ELDORET THIS 3RD SEPTEMBER 2025

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R. NYAKUNDI

JUDGE

