



Otieno, Ragot & Company Advocates v County Executive Member for Finance, County Government of Kisumu & 2 others (Miscellaneous Civil Application E203 of 2023) [2024] KEHC 549 (KLR) (26 January 2024) (Ruling)

Neutral citation: [2024] KEHC 549 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E203 OF 2023
RE ABURILI, J
JANUARY 26, 2024**

BETWEEN

OTIENO, RAGOT & COMPANY ADVOCATES APPLICANT

AND

COUNTY EXECUTIVE MEMBER FOR FINANCE, COUNTY GOVERNMENT OF KISUMU 1ST RESPONDENT

COUNTY GOVERNMENT OF KISUMU 2ND RESPONDENT

COUNTY SECRETARY, KISUMU COUNTY 3RD RESPONDENT

RULING

1. I have considered the Exparte Chamber Summons dated 6th December 2023 seeking for leave to apply for Judicial Review Orders of Mandamus compelling the Respondents herein to settle decree in the sum of Kshs.165,517.12 with interest at 14% p.a from 22nd November 2021 till payment in full being decretal sum in Kisumu HC Misc. Civil Application No. E104 of 2022 in the matter of Advocate/ Client costs taxed in favour of Otieno, Ragot & Company Advocates and Municipal Council of Kisumu.
2. I have also considered the grounds in support thereof and the statement of facts and affidavit verifying those facts.
3. I am satisfied that the Applicant is deserving of the orders sought as no reference or challenge to the taxed costs and certificate of order against the Government is pending before this court. There is also no dispute as to retainer.
4. I grant leave to the Exparte Applicant herein Otieno, Ragot & Company Advocates to apply for Judicial Review Order of Mandamus against the Respondents herein to compel the respondents



to settle decree in HC Misc. Application No. E104 of 2022 as per certificate of order against the Government which was duly served upon the respondents.

5. The substantive Notice of Motion shall be filed and served within twenty-one (21) days of today in a separate court file.
6. The Registry to notify the Exparte Applicant' counsel forthwith.
7. Costs shall be in the main motion.
8. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

