Supporting Affidavit on County Mandamus Knowledge and Unpaid Decree

Educational sample 387 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

JUDICIAL REVIEW CAUSE NO [reference]

REPUBLIC v [PROPER COUNTY FINANCE OFFICER]; EX PARTE [DECREE HOLDER]

AFFIDAVIT

1. I am [decree holder] and identify the judicial review cause and underlying decree by certified records at [genuine exhibits]. I distinguish personal knowledge from information received from [identified record custodian]. This proposed affidavit supplies evidence only after its truth and exhibits are verified.

2. The subordinate-court decree awards [actual principal], costs and interest on the terms shown in the certified orders. In the source scenario principal was KES 6,824,470 and costs KES 429,370. I identify actual payments and the reconciled outstanding balance at [cut-off date].

3. The Court granted mandamus in June 2021 and a formal order was extracted in July 2021 in the source. I attach the actual certified order and identify precisely the officer or office required to satisfy the decree.

4. I state the genuine evidence of service or knowledge: [date], [person], [method], [proof] and any attendance by instructed counsel. I disclose any personal-service denial and do not treat a generic assertion that the county knew as proof concerning every officer individually.

5. I identify the actual post-order acts, correspondence and nonpayment from records at [pages]. Any response, payment, stay, change of accounting officer or claimed inability is disclosed. Wilful disobedience must be assessed on evidence, not supplied by unsupported accusations in this affidavit.

6. The source ruling recorded no supporting affidavit with the contempt motion. This is a newly drafted proposed evidence document, not an affidavit from that file or proof that missing evidence existed. Complete a valid jurat and lawful exhibit authentication before any use.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A creditor held a subordinate-court decree for KES 6,824,470 plus interest and KES 429,370 costs. Mandamus to satisfy it was granted in June 2021 and extracted in July 2021. A later contempt motion alleged continued nonpayment. Officials disputed personal service and the persons cited. The ruling noted no supporting affidavit had been filed with the source contempt application.

The Court found the County Executive Committee Member for Finance in contempt and summoned that officer to show cause why imprisonment should not follow. It did not immediately impose a six-month sentence. The County Secretary joinder was unwarranted. Costs were borne by the county. The Mombasa cause was delivered virtually from Homa Bay.

Check Judicature Act section 5, Government Proceedings Act section 21 and Public Finance Management Act section 148 with current contempt procedure. The 2016 Contempt of Court Act was declared invalid; do not rely on it as operative authority. Verify the actual accounting-officer designation. Knowledge, clear order, breach and wilfulness require proof; nonpayment alone is not automatic imprisonment.

[2025] KEHC 5213 (KLR) - 6 February 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/republic-v-county-secretary-2-others-county-government-of-mombasa-interested-party-mutemi-exparte-applicant-2025-kehc-5213-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/republic-v-county-secretary-2-others-county-government-of-mombasa-interested-party-mutemi-exparte-applicant-2025-kehc-5213-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.