# Contempt Motion for Continued Nonpayment After County Mandamus

Educational sample 386 | 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]

NOTICE OF MOTION

1. The ex parte applicant applies in Judicial Review Cause [reference] concerning the mandamus order dated [date] and extracted on [date]. Identify the actual finance officer cited, the office held during the relevant period and the lawful accounting responsibility from genuine appointment and public-finance records.

2. The order requires satisfaction of the subordinate-court decree identified at [reference]. The source decree comprised KES 6,824,470 principal, ordered interest and KES 429,370 costs. The balance must reflect actual credits and the precise certified orders rather than a bare estimate of liability.

3. The applicant seeks a finding of contempt only upon proof of a clear binding order, knowledge or proper notice, breach and deliberate disobedience to the required standard. Supporting evidence must identify how the particular officer knew the terms and what obligation remained unperformed.

4. The application discloses the respondents service denial, the representation by counsel when mandamus was granted, any genuine payment, stay or explanation, and the actual officer designation. The County Secretary is not cited solely because that person occupies an administrative office.

5. PRAYERS: determine whether the properly cited finance officer is in contempt; if established, summon that officer to show cause and give lawful consequential directions; and provide for costs. No immediate sentence is presumed, and the officer must receive the required procedural opportunity.

6. This proposed motion must be supported through the current valid contempt process and actual evidence. The source ruling noted an omitted supporting affidavit; its result is not permission to omit one. Check section 5 of the Judicature Act rather than invoke the invalid 2016 Act as operative law.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

## Use and evidence notes

Use the actual existing cause, applicable power and precise interim or substantive prayers with genuine supporting evidence. Disclose adverse facts, earlier applications, current orders and delay. Complete affidavit, exhibits, urgency certificate only where justified, fee and service under current directions. A proposed corrected motion does not establish that the missing facts or procedural permission exist. Newly drafted substantive wording, not a completed contempt pack. The source granted a contempt finding and summons, not an immediate prison sentence.

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.