Judicial Review Statutory Statement for County Decree Payment

Educational sample 427 | Bungoma

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 BUNGOMA

JUDICIAL REVIEW LEAVE APPLICATION NO [reference]

IN THE MATTER OF [COUNTY DECREE]; [ESTATE REPRESENTATIVES] APPLICANTS

JUDICIAL REVIEW STATUTORY STATEMENT

1. APPLICANTS: [estate representatives, description and address for service], acting under [actual authority]. RESPONDENTS: [county entity] and [proper public office responsible for the duty]. The description of each respondent is tied to the legal duty relied upon, not an assumption of personal liability for the entire debt.

2. RELIEF SOUGHT: leave and, in the substantive proceedings permitted by the Court, an order of mandamus compelling the respondents to honour the existing decree in [case] according to the issued government certificate and current lawful balance; and appropriate costs.

3. GROUND 1: the applicants hold an enforceable judgment and decree against the identified county entity. The certified operative orders and any later variation establish the duty. This proceeding does not ask for a second damages assessment arising from the same accident.

4. GROUND 2: the section 21 certificate and costs process has been completed and the necessary documents served at [actual particulars]. After [verified elapsed period and demand], the certified obligation remains unpaid to the extent shown in the verifying evidence.

5. GROUND 3: the county reliance on dealings with its insurer does not answer the actual judgment debtor statutory duty without proof of payment, stay or another lawful answer. All insurer payments and relevant correspondence are nevertheless disclosed and credited.

6. The factual foundation is verified in the accompanying affidavit and genuine documents. No inconsistent published amount or application date is adopted. Mandamus is sought to compel the identified duty; the source operative orders did not include the requested automatic civil-jail sanction.

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

For Order 53 leave proceedings, state applicant name and description, the specific relief and grounds. Provide the separate affidavit verifying facts and leave application. At the substantive stage comply with the granted leave, statement scope, filing and service directions. The statutory statement is a pleading and is not sworn evidence.

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

Estate representatives held a fatal-accident decree from Bungoma CMCC 559/2018. They obtained certificates and served payment material on the county before seeking Order 53 leave and mandamus. The county said the application was premature because the applicants had dealt with the insurer. Amounts and motion dates in the reproduction conflict.

Bungoma High Court accepted compliance with Government Proceedings Act section 21 and issued mandamus to honour the decree, with application costs against the respondents. It rejected the insurer prematurity defence. Although civil jail appeared in requested prayers, the operative orders did not commit any official.

Use certified judgment, decree, costs and certificate of order against government, correct service and the actual responsible public duty. Reconcile amounts from originals rather than inconsistent reproduction arithmetic. An existing-decree mandamus motion is distinct from a contempt application after disobedience. Section 21 restrictions cannot be bypassed through ordinary attachment of public assets.

[2026] KEHC 5623 (KLR) - 23 April 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/wangila-suing-as-administrator-and-personal-representative-of-the-estate-of-hellen-mulongo-musanga-now-deceased-another-v-county-govermnent-of-bungoma-another-2026-kehc-5623-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/wangila-suing-as-administrator-and-personal-representative-of-the-estate-of-hellen-mulongo-musanga-now-deceased-another-v-county-govermnent-of-bungoma-another-2026-kehc-5623-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.