Application for Leave to Seek Mandamus on an Unpaid County Decree

Educational sample 426 | 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

NOTICE OF MOTION

1. The applicants seek leave under Order 53 rule 1 to apply for mandamus compelling performance of the duty to satisfy the decree in [Bungoma magistrates case]. They act in the estate capacities established by [current authority documents]. This is the leave stage, rather than the final substantive mandamus motion.

2. The decree and assessed costs arise from the fatal-accident judgment dated [verified date]. The applicants identify the judgment debtor and the officer or office bearing the relevant statutory payment duty. The application is confined to the existing enforceable order, not a fresh assessment of accident damages.

3. The issued certificate of order against government and related costs material are identified at [exhibits]. Service upon the required recipients occurred at [verified dates and manner], supported by [proof]. The applicants state the actual elapsed period and subsequent requests from the authentic record.

4. The certified outstanding amount is [reconciled principal, costs and authorised interest], less payments received. The applicants disclose any appeal, stay, satisfaction or insurer payment affecting the duty. The published source inconsistent figures are not adopted as an account.

5. The accompanying statutory statement specifies names, description, relief and grounds. The verifying affidavit provides facts and genuine exhibits. The applicants ask for lawful service and subsequent filing directions within the leave granted; leave does not itself establish final entitlement or imprison an official.

6. PRAYERS: grant leave to seek the identified mandamus order; give the applicable directions for the substantive proceedings; and determine leave-stage costs. Ordinary attachment of public property is not requested as a substitute for the Government Proceedings Act process.

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. Check Order 53 leave requirements, statement, verifying affidavit, notice and the period and service directions for the substantive motion. This is not a contempt application.

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.