Substantive Mandamus Motion to Honour a Certified County Decree

Educational sample 429 | 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 CAUSE NO [reference]

REPUBLIC v [COUNTY ENTITY AND RESPONSIBLE OFFICE] EX PARTE [ESTATE REPRESENTATIVES]

NOTICE OF MOTION

1. Pursuant to leave granted on [date], the applicants seek an order of mandamus compelling the respondents to honour the decree in [Bungoma magistrates case] in accordance with Government Proceedings Act section 21. The statutory statement and verifying affidavit identify the public duty, certified obligation and proper respondents.

2. The existing decree arose from the estate fatal-accident claim and remains enforceable subject to [disclosed current orders]. The applicants do not seek a fresh accident award. The estate authority and any later appointment changes are provided in the genuine evidence.

3. The certificate of order against government, costs material and proof of service are at [exhibits]. The application states the actual dates and elapsed period and the demands made after service. Compliance is established from this case record, not presumed from the source outcome.

4. The balance requested is [certified principal, costs and lawful interest minus credits]. Any insurer payment is credited. The respondents prematurity argument based on insurer dealings is answered by [actual correspondence and duty], without asking the court to decide unpleaded insurance coverage.

5. The applicants request performance of the identified payment duty. No automatic commitment to civil jail is included as a consequence of this motion. A later contempt allegation would require a separate legally supported application, clear operative order, knowledge and evidence of the breach.

6. PRAYERS: issue mandamus requiring satisfaction of the certified decree under the statutory process; award appropriate application costs; and give necessary lawful implementation directions. The source granted mandamus and costs, but its operative orders did not grant the jail prayer appearing in the opening request.

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.

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.