Mandamus Submissions Answering the County Insurer Prematurity Defence

Educational sample 430 | 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]

WRITTEN SUBMISSIONS

1. The applicants rely on the existing decree and Government Proceedings Act section 21 process. The issue is the respondents duty to honour the certified order after the required service, not whether the fatal-accident damages should be reassessed.

2. At [record pages] the applicants establish the issued certificates, service, demand and verified unpaid balance. Each component is taken from the authentic judgment and costs documents. Conflicting published arithmetic is not a basis for enlarging the obligation.

3. The county contends that the application is premature because an insurer defended or was engaged. The actual correspondence and payments are disclosed. In the absence of satisfaction, stay or another lawful answer, insurer dealings alone do not resolve the named judgment debtor statutory duty.

4. Mandamus compels the identified public duty through the lawful government-payment process. The applicants do not seek ordinary attachment of county property contrary to the statutory restrictions or assume every official has personal responsibility without establishing the relevant office and duty.

5. The certified current orders and estate authority establish who is entitled to act. Any later stay, payment or representation change must be accounted for before the Court settles the operative relief. Submissions cannot supply an absent certificate or invent valid service.

6. The applicants request mandamus and appropriate costs. The source Court rejected the insurer prematurity argument and granted those orders. It did not commit an officer to civil jail. The present submissions therefore keep debt enforcement separate from a later, independently proved contempt issue.

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

Identify pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding.

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.