



**Muthoni & 5 others v Okuku Agencies Auctioneers & another
(Judicial Review Miscellaneous Application E017 of 2025)
[2025] KEHC 2179 (KLR) (Judicial Review) (13 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2179 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E017 OF 2025
RE ABURILI, J
FEBRUARY 13, 2025**

BETWEEN

**GRACE MUTHONI 1ST APPLICANT
JAMES KAMWATHI 2ND APPLICANT
FREDRICK NJUGUNA 3RD APPLICANT
MARY NJERI 4TH APPLICANT
RICHARD MATHU 5TH APPLICANT
THOMAS WAHOME (SUIING ON HIS BEHALF AND ON BEHALF OF
HELICOPTER OF CHRIST CHURCH) 6TH APPLICANT**

AND

**OKUKU AGENCIES AUCTIONEERS 1ST RESPONDENT
BRIAR ROSE KINDERGATEN SCHOOL 2ND RESPONDENT**

RULING

1. I have considered the Chamber Summons dated 12th February, 2025 filed under certificate of urgency. I observe that the applicant seeks leave of court to apply to quash the proclamation notice dated 11/2/2025 and Decree and Warrants dated 4/2/2025 and prohibition restraining the Respondents from enforcing a decree and warrants of attachment and sale of movable property in execution of decree of the Small Claims Court E7359/2023 and that leave so granted to operate as stay of enforcement of the said decree and proclamation.
2. I find no urgency involved. I decline to certify the application as urgent.



3. On the prayer for leave to apply, I observe that the matter in question is before the Small Claims Court and the applicant claims that the decree was settled hence there is no justification for further execution of the decree.
4. That being the case, the court that has jurisdiction to hear and determine the application for stay and setting aside of the proclamation notice is the Small Claims Court which issued decree and proclamation notice.
5. This court has no power to interfere with the power of the civil court.
6. I find no justification for granting of leave to apply for Judicial Review orders of certiorari and prohibition. I proceed and dismiss the ex parte chamber summons dated 12/2/2025 with no orders as to costs.
7. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 13TH DAY OF FEBRUARY, 2025.

R.E. ABURILI

JUDGE

