



Music Copyright Society of Kenya v Chief Magistrate Court At Milimani & another; Mutua (Interested Party) (Judicial Review Application E165 of 2025) [2025] KEHC 8609 (KLR) (Judicial Review) (20 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8609 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E165 OF 2025
RE ABURILI, J
JUNE 20, 2025**

BETWEEN

MUSIC COPYRIGHT SOCIETY OF KENYA APPLICANT

AND

CHIEF MAGISTRATE COURT AT MILIMANI 1ST RESPONDENT

THE HONOURABLE ATTORNEY GENERAL 2ND RESPONDENT

AND

DR EZEKIEL MUTUA INTERESTED PARTY

RULING

1. I have considered the application dated 19/6/2025 filed under certificate of urgency. I have also heard Mr. Musyoka Advocate on behalf of the applicant, on the urgency and the unclear position of whether this is the right court to hear and determine the emerging dispute arising from the decision of the Magistrate's court at Nairobi CMCC E3938/2025 which is a defamation case. I am not persuaded that the application is urgent. I decline to certify it as urgent.
2. In view of the question of whether this court has jurisdiction to hear and determine the issues raised in the application, I hereby direct the applicant to serve the Respondents and the Interested Party with the application, for interpartes hearing/ consideration.
3. Upon service, the Respondents and Interested Party shall have ten (10) days to file and serve their responses. The applicant will have 10 days of the date of service to file and serve a further affidavit if need arises, together with written submissions.



4. The Respondents and Interested Party will thereafter have 10 days of the date of service to file and serve their supplementary affidavit if need be, together with their written submissions.
5. As the court will be on leave during the month of July, mention before the Deputy Registrar shall be on 30/7/2025 to confirm compliance and to place the file before the Judge for a Ruling date on whether leave to apply and or stay should be granted.
6. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF JUNE, 2025

R.E. ABURILI

JUDGE

