



**Muyesu & another v Attorney General of the Republic of Kenya & 6 others;
Wanjigi (Interested Party) (Petition E248 of 2023) [2025] KEHC 9206 (KLR)
(Constitutional and Human Rights) (20 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9206 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
PETITION E248 OF 2023
RE ABURILI, JM CHIGITI & LN MUGAMBI, JJ
JUNE 20, 2025**

BETWEEN

SHADRACK SHARU MUYESU 1ST PETITIONER

KLINSMAN MUNASE 2ND PETITIONER

AND

**THE HONOURABLE ATTORNEY GENERAL OF THE REPUBLIC OF
KENYA 1ST RESPONDENT**

GOVERNOR, CENTRAL BANK 2ND RESPONDENT

CONTROLLER OF BUDGET 3RD RESPONDENT

**THE CABINET SECRETARY, NATIONAL TREASURY AND
PLANNING 4TH RESPONDENT**

THE NATIONAL ASSEMBLY 5TH RESPONDENT

THE NATIONAL TREASURY 6TH RESPONDENT

THE CENTRAL BANK OF KENYA 7TH RESPONDENT

AND

HON JIMI WANJIGI INTERESTED PARTY



RULING

1. This petition was due for highlighting of the submissions today by consent of all the parties. The court is and was ready to hear the parties counsel's submissions. The petitioners too are and were ready to proceed with the highlighting of the already filed submissions.
2. However, the Respondents' Counsel present have informed the court that there is a similar Petition No.216/2025 which was certified by Mwamuye J and send to the Chief Justice for empalment of a bench to hear and determine.
3. That on the body of the Ruling on empalment, Justice Mwamuye highlighted the pendance of this petition which is similar to petition No.216/2025 with the constitutional challenge to the provisions of the *Public Finance Management Act* and the Government's borrowing being in issue.
4. Further, that all the Respondents in this petition are also respondents in Petition 216/2025. The Respondents therefore urge the Court/Bench to take out the petition herein from the hearing list and grant an adjournment to allow the empalment of the bench for Petition No.216/2025 so that this petition and Petition 216/2025 can be consolidated and heard together, and that this would save on judicial time and resources.
5. The petitioners in principle, do not oppose the taking out of this petition, on account of its similarity with Petition No.216/2025 save that they have not been served with Petition No.216/2025 and therefore it was not possible for them to appreciate the similarity and necessity to wait for the new bench in Petition No.216 to have the two petitions consolidated and heard together.
6. This bench has considered the request by the Respondents' Counsel and the response by the Petitioners. Indeed, no document has been placed before this court to demonstrate the similarity between this petition and Petition 216/2025 which has been send to the Chief Justice for empalment of a bench to hear and determine. However, Counsel for the Respondents present have given an indication that indeed, the Petition 216/2025 arose out of another Petition 531/2015 which was withdrawn by the same petitioners, and which was due for consolidation with this petition by this bench the last time that this petition came up which was on 24/4/2025.
7. In our humble view, it is appropriate to stay this petition as conceded by the petitioners, awaiting directions of the Chief Justice on Petition 216/2025 to avoid a situation where the two petitions are similar yet by the time the bench is constituted to hear Petition 216/2025, this petition would have been fully heard. It would be a duplication of effort and resources which the petitioners are, in any event, trying to conserve.
8. For the above reasons, we hereby take out this petition from the hearing list today and have it mentioned in the new term on 6th October 2025 awaiting directions of the Chief Justice in Petition No.216/2025.
9. The petitioners to serve notice to the Interested Party. We so order. These proceedings be typed continuously.

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

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R.E. ABURILI



PRESIDING JUDGE

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J. CHIGITI (SC)

JUDGE

.....

L. MUGAMBI

JUDGE

