

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW APPLICATION NO. E309 OF 2025

JUSTUS NGEMU.....1ST APPLICANT

SAUL ESIKURI.....2ND APPLICANT

VERSUS

KENYA COPYRIGHT BOARD.....1ST RESPONDENT

THE CABINET SECRETARY OF GENDER, CULTURE ARTS &
HERITAGE.....2ND RESPONDENT

THE HON. ATTORNEY GENERAL.....3RD RESPONDENT

MUSIC COPYRIGHT SOCIETY OF KENYA LTD.....INTERESTED PARTY

RULING

1. The application dated 22nd October 2025 which is unopposed by the rest of the parties seeks leave of this court to amend the Notice of Motion dated 25/9/2025 to exclude the irrelevant prayers which were included and which were not aligned to or in accordance with the orders granted in the Ruling for leave to apply vide JR No. E117/2025.
2. I have considered the application and the draft amended Notice of Motion. It is indeed this court which raised a red flag when the application by way of Notice of Motion dated 25/9/2025 came up for

mention, when I pointed out to the parties that the Notice of Motion had prayers which had not been allowed by the court in the Ruling for leave. The applicant has now sought leave of this court to correct the error.

3. I find no prejudice will be occasioned to the parties if the leave sought is granted. The law allows amendment to pleadings at any time of the proceedings. The application has been filed timeously.
4. I grant leave to the applicant to amend the Notice of Motion dated 25/9/2025. The amended Notice of Motion shall be filed and served upon all the parties within five (5) days of today and the Respondents and Interested Party have 7 days of the date of amendment to file and serve their responses upon which the applicant shall have 7 days of the date of service to file and serve a further affidavit if need arises; together with written submissions in brief.
5. The Respondents and Interested Party shall then have 7 days of the date of service to file and serve supplementary affidavits if need arises, together with brief submissions.
6. Mention on 15/12/2025 to fix a judgment date. Costs in the cause.
7. I so order.

Dated, Signed and Delivered at Nairobi this 11th Day of November, 2025

**R.E. ABURILI
JUDGE**