



**Mukinginyi v Adjudicator, Milimani Small Claims Court &
another (Judicial Review Miscellaneous Application E165 of 2025)
[2025] KEHC 18307 (KLR) (Judicial Review) (9 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18307 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E165 OF 2025
RE ABURILI, J
DECEMBER 9, 2025**

BETWEEN

WALTER TRENK MUKINGINYI APPLICANT

AND

**HON ADJUDICATOR, MILIMANI SMALL CLAIMS COURT 1ST
RESPONDENT**

**OFFICER IN CHARGE, INDUSTRIAL AREA REMAND & ALLOCATION
PRISON 2ND RESPONDENT**

RULING

1. The statutory statement and verifying affidavit dated 8/12/2025 were filed by the applicant who is serving civil jail at the Industrial Area GK Prisons pursuant to the Notice to show Cause execution proceedings in Small Claims Court Case No. SCC E1158 of 2023 in which the applicant herein is a judgment debtor.
2. I note that there is no chamber summons or an application upon which the chamber summons, verifying affidavit are anchored. I do not certify the filed documents as urgent.
3. Additionally, a judgment debtor who is arrested and committed to civil jail cannot challenge that execution process through the judicial review process. they have a right to challenge the process before the same court that issued the committal warrants and if aggrieved, they file an appeal to the High Court. Judicial Review is not an appeal. Even where a party challenges the issues of service of the Notice to Show cause, they must first approach the trial court before moving to the High Court on appeal.



4. For the above reasons, and for want of jurisdiction to intervene in execution processes before a Subordinate Court and secondly, there being no application for consideration on merit, I hereby strike out the pleadings and affidavit filed by the applicant herein.
5. This file is closed.
6. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF DECEMBER, 2025

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R. E. ABURILI

JUDGE

