



**Mbukinya Success (K) Limited v Kiama (Civil Appeal E180 of 2023) [2024] KEHC 8204 (KLR) (26 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8204 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CIVIL APPEAL E180 OF 2023  
JK NG'ARNG'AR, J  
JUNE 26, 2024**

**BETWEEN**

**MBUKINYA SUCCESS (K) LIMITED ..... APPELLANT**

**AND**

**KAMAU KIAMA ..... RESPONDENT**

**RULING**

1. The appeal herein was lodged on 12/6/2023. Proceedings and Judgment of the lower court lodged on 14/6/2023.
2. Application for stay dated 7/7/2023 was allowed on 14/7/2023.
3. The appellant thereafter did nothing to prosecute the appeal after directions had been given on 15/2/2024.
4. On 29/4/2024 the court directed that the Appellant do file and serve a record of appeal within 21 days from that date.
5. The Appellant failed to comply and this matter came up for hearing of the appeal on 3/6/2024. The appellants failed to appear too.
6. Mr. Kamau for the Respondents applied for the appeal to be dismissed. Going by the record, I do find that the appellant is not interested to prosecute this appeal.
7. Consequently, I do proceed to dismiss the appeal with costs to the Respondent. Costs are assessed at Kshs. 25,000/=.

**DATED AND DELIVERED VIRTUALLY AT NAIROBI THIS 26<sup>TH</sup> DAY OF JUNE, 2024.**

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**J.K. NG'ARNG'AR, HSC**

**JUDGE**

**In the presence of:-**

Kimondo Gachoka & Company Advocates for the Appellant/Applicant – No appearance

Mwaura Kamau & Company Advocates for the Respondent – No appearance

Court Assistant- Peter Ong'idi

