



**Nakonns Travellers Sacco v Gatimu & another (Claiming as the administrators of the Estate of Benjamin Njoroge Wambui - Deceased) (Civil Appeal E022 of 2022) [2024] KEHC 8375 (KLR) (26 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8375 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CIVIL APPEAL E022 OF 2022  
JK NG'ARNG'AR, J  
JUNE 26, 2024**

**BETWEEN**

**NAKONNS TRAVELLERS SACCO ..... APPELLANT**

**AND**

**JASINTA WAMBUI GATIMU & KENNEDY NJENGA WAMBUI (CLAIMING AS THE ADMINISTRATORS OF THE ESTATE OF BENJAMIN NJOROGE WAMBUI (DECEASED) ..... RESPONDENT**

**RULING**

1. The appellant moved this court vide an application dated 23/9/2022 seeking orders for stay of execution of the decree issued in SPMCC E45 of 2020.
2. On 28/4/2024, my sister Lady Justice D. O Chepkwony directed the appellant to file and serve a record of appeal within 21 days thereof. By the time this matter came up for mention before this Court on 4/6/2024, the appellant had not complied with those directions and this position was also reiterated by the respondent's advocate who made an oral application that the appeal be dismissed with costs.
3. I note that the appellant is in blatant breach of the orders of this court. It is trite that court orders are not given in vain. It is doubtful whether the appellant is interested in pursuing the intended appeal in light of the continued contempt of court orders. I see no reason to deny the orders sought.
4. The upshot is that the appeal is hereby dismissed. Each party to bear their own costs.

It is so ordered.

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

.....

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



## **JUDGE**

In the presence of:-

Omake for the Appellant

Mugo holding brief for the Respondent

Court Assistant- Peter Ong'idi

