



**Kathika v Kithinji (Civil Appeal E062 of 2024)
[2024] KEHC 14877 (KLR) (28 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14877 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CIVIL APPEAL E062 OF 2024
LP KASSAN, J
NOVEMBER 28, 2024**

BETWEEN

GRACE KATHIKA APPELLANT

AND

SIMON KINOTI KITHINJI DEFENDANT

RULING

1. This is an Application for Appeal out of time and stay of execution of Warrants of Arrest against the Appellant for the main reason that the Appellant has arguable appeal and taken into account all relevant factors and wish to note the following; that the Applicant is aged 74 years . I have read the Application and
 - a. No record of Appeal has been filed and consequently, there is no Memorandum of appeal.
 - b. No the Lower court ruling has been annexed for this court to determine if the Application is arguable or not.

At this juncture therefore am unable to determine this application as to whether it is meritorious or not.

2. The issue as concerning the health of the Applicant cannot by itself form a basis for granting the orders sought. The lower court judgement was delivered in 2023 and there is no offer for security. Consequently, I dismiss the Application with costs.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 28TH DAY OF NOVEMBER 2024.

HON L. KASSAN

JUDGE

In the presence of;



Muthomi for the Appellant

Muingi for the Respondent

Carol – Court Assistant

