



REPUBLIC OF KENYA



**Thuo & another v Ndua & another (Family Appeal E005 of 2024)
[2024] KEHC 15057 (KLR) (26 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15057 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
FAMILY APPEAL E005 OF 2024
DO CHEPKWONY, J
NOVEMBER 26, 2024**

BETWEEN

SALOME WANJIRU THUO 1ST APPELLANT

GLADYS MUMBI NDUU 2ND APPELLANT

AND

NELSON GITHINJI NDUU 1ST RESPONDENT

VIRGINIA WANINI 2ND RESPONDENT

RULING

1. Vide a Notice of Motion application dated 8th November, 2021, the Appellants/Applicants have sought for orders that:-
 - a. The Honourable Court grants the Appellants/Applicants leave to amend their Memorandum of Appeal.
 - b. The proposed Amended Memorandum of Appeal annexed thereto be deemed to be properly filed upon such other or further directions that this Honourable Court may be pleased to issue.
 - c. This Honourable Court be pleased to give directions as to costs.
2. The application is based on the grounds set out on its face and Supporting Affidavit sworn by Salome Wanjiru Thuo, the 1st Appellant/Applicant on even date.
3. The Respondents' counsel was served with the application and directions issued on the 11th November, 2024, thus date was fixed in the presence of both counsel for the parties herein.
4. The Respondents' counsel is not in attendance and he has not sent representation to explain their absence. It is also noted that he is yet to file any response to the application dated 8th November, 2024.



5. In view of this, the Notice of Motion application dated 8th November, 2024 be and is hereby deemed as unopposed and the same is allowed in the following terms:-
- a. The Appellants/Applicants are hereby granted leave to amend their Memorandum of Appeal.
 - b. The proposed Amended Memorandum of Appeal annexed hereto be and is hereby deemed as properly filed and served upon payment of requisite court fees, if at all.
 - c. Costs to abide the outcome of the appeal.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 26TH DAY OF ...
NOVEMBER 2024.**

D. O. CHEPKWONY

JUDGE

In the presence of:

No appearance for and by the Respondent

Mr. Rashid counsel for Appellant

Court Assistant - Martin

