

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

CIVIL APPEAL NO. 23 OF 2019

SAMUEL NDUNG’U MBUGUA.....APPELLANT/APPLICANT

-VERSUS-

JANE WAMBUI GITAHU.....1ST RESPONDENT

JOSEPH NJUHA MUGO.....2ND RESPONDENT

RULING

1. The Applicant via notice motion dated 14/07/2021 seeks the setting aside of orders of 09/07/2021 and reinstatement of the Appeal.
2. The same is supported by the grounds on the face of the application and an affidavit sworn by Samuel Ndung’u Mbugua Applicant/Appellant.
3. The Respondents were served but have not filed any documents to oppose the application nor attend court to raise any objection.
4. I have looked at the supporting affidavit and the annexures thereto. I find the application is merited and justified. Thus I make the orders;

i. Prayers No. 1 of the notice of motion dated 14/07/2021 is granted.

ii. The record of appeal be lodged and served within 30 days.

iii. Directions to be in 30 days’ time after the instant ruling date.

iv. No orders as to costs.

DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 21ST DAY OF OCTOBER, 2021.

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CHARLES KARIUKI

JUDGE