

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

CIVIL DIVISION

HIGH COURT CIVIL MISC. APPL. NO. 418 OF 2016

ANDESON NJARAMBA MUGI.....1ST APPLICANT

JOYCE WAMBUI NYOIKE.....2ND APPLICANT

(Suing as administrators of the estate of John Itotia Njaramba)

VERSUS

JOHN MAGU WANYOIKE.....1ST RESPONDENT

ANGWENYI DAMARIS.....2ND RESPONDENT

RULING

1. In a ruling dated 16th February, 2017, this court allowed an application for the extension of time within which to file an appeal against the judgment and decree of the Chief Magistrate's Court and gave stay of execution orders on condition that the decretal sum be deposited within 30 days.
2. The application dated 17th October, 2017 principally seeks orders that the aforesaid orders be set aside on the grounds that the decretal sum has not been deposited as ordered by the court. The Application is unopposed. No papers were filed in response to the same. There was no attendance on the Respondent's side during the hearing of the Application though service had been effected.
3. I have considered the application. The orders given on 16th February, 2017 were limited to a period of 30 days. The said orders have since lapsed. There are therefore no orders for this court to set aside. Consequently, the application is hereby dismissed with costs.

Dated, signed and delivered at Nairobi this 25th day of January, 2018

B. THURANIRA JADEN

JUDGE