



**Nduati v Thagichu & another (Miscellaneous Application  
E027 of 2024) [2025] KEHC 1027 (KLR) (16 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 1027 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
MISCELLANEOUS APPLICATION E027 OF 2024  
DO CHEPKWONY, J  
JANUARY 16, 2025**

**BETWEEN**

**CATHERINE KANYIRI NDUATI ..... APPLICANT**

**AND**

**STEWART ROBERT WAIRUMBI THAGICHU ..... 1<sup>ST</sup> RESPONDENT**

**BENJAMIN MUKIRI KIMANI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This matter is for mention for parties to confirm compliance of directions issued on 29<sup>th</sup> October, 2024, in respect of a Notice of Motion Application dated 12<sup>th</sup> March, 2024, vide a consent order adopted by this court on 29<sup>th</sup> October, 2024, in the presence of counsel for all the parties herein.
2. Upon listening to counsel for the Respondent, Mr. Mwangi, I have perused the court record and confirm that the orders and directions agreed upon by the counsel for the parties are yet to be complied.
3. It is also worth noting that the Applicant's Counsel is not in attendance and neither has he sent representation to explain the non – compliance or their absence.
4. In the circumstances, since the directions and orders vide the consent adopted on 29<sup>th</sup> October, 2024, were time bound and have not been complied with, it is hereby ordered that: -
  - a. The Notice of Motion Application dated March 12, 2024, is hereby dismissed and orders/ directions issued on October 29, 2024, set aside and or vacated.
  - b. The Respondent be at liberty to execute the judgment and decree in Limuru SPM Civil Case No. 289 of 2020.
  - c. The costs of the application to be borne by the Applicant.

It is so ordered.



**RULING DELIVERED VIRTUALLY VIA MICROSOFT TEAMS, DATED AND SIGNED AT  
KIAMBU THIS 16TH DAY OF JANUARY, 2025.**

**D.O CHEPKWONY**

**JUDGE**

In the Presence of:

Martin – Court Assistant

No appearance for and by Applicant

Mr. Mwangi Counsel for Respondent

