



Ooko v Home Point Household Solutions Ltd & another (Civil Miscellaneous Application E053 of 2025) [2025] KEHC 2891 (KLR) (Civ) (5 March 2025) (Ruling)

Neutral citation: [2025] KEHC 2891 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL
CIVIL MISCELLANEOUS APPLICATION E053 OF 2025
NW SIFUNA, J
MARCH 5, 2025**

BETWEEN

ELIUD ODUOR OOKO APPLICANT

AND

HOME POINT HOUSEHOLD SOLUTIONS LTD 1ST RESPONDENT

JULIUS KAMANDE 2ND RESPONDENT

RULING

1. By his Notice of Motion dated 24th January 2025, the Applicant has sought leave to file an Appeal out of time; against the judgment delivered on 22nd November 2024 by Hon S.G Gitonga in Milimani CMCC No. E5858 of 2022.
2. The grounds and reasons cited by the Applicant for seeking leave to Appeal out of time are unsatisfactory. There is no evidence that the Applicant, from 22nd November 2024, made any efforts to obtain a copy of the judgment. That evidence, the Supporting Affidavit has not provided. No letter to trial court asking for proceedings, has been annexed.
3. I further note that the thirty (30) days for filing the grounds lapsed on 22nd December 2024, yet this Application was filed after 20th January 2025. Which was a delay of more than two months (more than 60 days). That delay was not only long, but also unsatisfactorily explained, hence inordinate.
4. I find that the delay was either out of sheer neglect or indolence; and which cannot be reasonable grounds for the exercise of the judicial discretion to enlarge or extend time or the leave sought.
5. The Application therefore lacks merit and is hereby dismissed with costs.

DATED AND DELIVERED AT NAIROBI ON THIS 5TH DAY OF MARCH 2025.



PROF (DR) NIXON SIFUNA
JUDGE

