



**Kamau & 5 others v Kibe & 3 others (Civil Appeal E001 of 2025)
[2025] KEHC 9848 (KLR) (13 June 2025) (Directions)**

Neutral citation: [2025] KEHC 9848 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E001 OF 2025
DO CHEPKWONY, J
JUNE 13, 2025**

BETWEEN

**NAOMI WAMAITHA KAMAU 1ST APPELLANT
NAOMI WAMAITHA MAINA 2ND APPELLANT
JOHN STEPHEN KIBE KIONGO 3RD APPELLANT
MONICA WANJIKU KIONGO 4TH APPELLANT
SIMON NGANGA KIONGO 5TH APPELLANT
MARGARET NYAMBURA KIONGO 6TH APPELLANT**

AND

**JOSEPH STEPHEN MWANGI KIBE 1ST RESPONDENT
RAHAB WANJIRU KIONGO 2ND RESPONDENT**

AND

**DAVID MUKORA CHEGE & SIMON MBUTHIA CHEGE (FOR THE ESTATE
OF EVAN KIONGO THAMANI) 1ST INTENDED RESPONDENT
EVANS CHEGE KIONGO 2ND INTENDED RESPONDENT**

DIRECTIONS

1. Evan Kiongo Thamani and Evan Chege Kiongo filed a Summons dated 7th March, 2025 seeking to be enjoined in this suit as 3rd and 4th Respondents. When the matter came up for mention for parties to take directions on the Summons application on 10th June, 2025, their counsel, Mr Kimori informed the court that he intended to orally amend the said Summons to read Estate of the late Evan Chege



Muithiri instead of the late Kiongo Thamani and for Paragraph 2 to be amended to read the Estate of the Evan Chege Muithiri instead of the Estate of the late Kiongo Kamau.

2. The 3rd Applicant objected to the oral application for amendment and urged that they ought to file a formal application on the same as directed by the court on 22nd February, 2025. He went on to explain that the case is in respect of one family where the 1st Respondent has been sued as a paternal grandson of one Kiongo Thamani and the 2nd Respondent as the only surviving wife of Kiongo wa Thamani. He stated that they have sued the Administrators of the Estate of Kiongo wa Thamani and not any other party. He stated that there is another case which is running concurrently with this case at the Engineer Court. He urged this court to grant stay of execution since the case at Engineer Court is coming up for mention on 5th July, 2025.
3. The 1st Respondent confirmed having filed amended Replying Affidavit dated 5th March, 2025 in response to the main application and that the Applicants have also filed amended submissions. He invited the court to peruse the record and will establish that the case has been before court since 1996 and thus seeks that the case be put to rest since the beneficiaries got their respective shares and that there is no mistake made.
4. The 3rd and 4th Respondents in rejoinder indicated that the amendments referred to were mere typos which the court should allow orally. They have urged that they be enjoined in the proceedings since they are parties in the matter before the subordinate court and it is in the interest of justice that they be made parties to the appeal.
5. In light of the above arguments made by the parties and considered by the court, the following orders issue:-
 - a. The 3rd and 4th Respondents be and are hereby directed to file formal application for amendment of pleadings for the consideration of the court within fourteen (14) days from the date of this ruling.
 - b. The Appellants are also directed to make a formal application of stay of execution within fourteen (14) days of this ruling.
 - c. The parties are all granted leave to file respective responses to the said applications if and when filed, all within 14 days.
 - d. The matter to be mentioned for purposes of confirming compliance with the directions.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 13TH DAY OF JUNE 2025.

D. O. CHEPKWONY

JUDGE

