



**Mutungi v Mgomba (Miscellaneous Application E015 of 2025)
[2025] KEHC 10022 (KLR) (17 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 10022 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
MISCELLANEOUS APPLICATION E015 OF 2025
AN ONGERI, J
JUNE 17, 2025**

BETWEEN

JUDDY MUTUNGI APPLICANT

AND

**SYLVESTER MTAWALI MGOMBA A.K.A SYLVESTER
MGOMBA RESPONDENT**

RULING

1. The application dated 29th April 2025 was served upon the Respondent and an affidavit of service dated 6th June 2025 filed.
2. The application is seeking leave to appeal out of time and stay of execution pending appeal.
3. The same is not opposed since the Respondent has not filed any Replying Affidavit or appeared in court to oppose the same.
4. The Applicant said they learnt about the Judgment in April. The application is allowed in the following terms:-
 - i. That the entire decretal sum is deposited within 45 days of this date.
 - ii. That the Memorandum of Appeal filed dated 29th April 2025 herein be deemed as properly filed.
5. Mention on 7th October 2025 for filing of the Record of Appeal and for directions on the hearing of the appeal.

DATED, SIGNED AND DELIVERED THIS 17TH JUNE 2025 IN OPEN COURT AT VOI.

ASENATH ONGERI



JUDGE

In the presence of:-

Court Assistant: Millicent

Mr. Ndolo for Applicant

No appearance for Respondent

