



REPUBLIC OF KENYA



KENYA LAW
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**Wanyoike & another v Nyambu (Civil Appeal E036 of 2025)
[2025] KEHC 8458 (KLR) (9 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8458 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E036 OF 2025
DO CHEPKWONY, J
JUNE 9, 2025**

BETWEEN

MUNGAI WANYOIKE 1ST APPELLANT

JAMES MUCHOKI MUTHONI 2ND APPELLANT

AND

ROSINA WAKIO NYAMBU RESPONDENT

(Being an Appeal against the Ruling of the Learned Magistrate Hon. Mugure Magistrate delivered in Limuru Court on 19th February, 2025 in CMCC No.024 of 2022)

RULING

1. This matter is for mention for parties to take directions on a Consent dated 15th May, 2025.
2. Upon listening to both counsel for the parties herein, the Consent dated 15th May, 2025 be and is hereby adopted as an order of the court in the following terms:-

“By Consent of the parties herein, it is hereby agreed and ordered as follows:-

- a. The present Appeal be and is hereby allowed.
- b. The Ruling of the trial Court dated 19th February, 2024 on the issue of payment of throw-away costs of Kshs.20,000/= be and is hereby set aside.
- c. The orders of the trial Court issued on 16th April, 2025 allowing execution to issue be and are hereby set aside.
- d. The matter be and is hereby set down for mention on 23rd June, 2025 before the trial court for purposes of taking directions.



e. The Appeal is allowed with no order as to costs.

It is so ordered.

CONSENT IS ADOPTED, DATED AND SIGNED AT KIAMBU THIS 9TH DAY OF JUNE, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Wachira holding brief for Mr. Kiwinda counsel for Appellants

M/S Omari holding brief Mr. Mutunga counsel for Respondent

Court Assistant - Martin

