



**Murugi & 36 others v Kimathi t/a Maxxis Energy Nairobi Limited & 8 others (Miscellaneous Civil Application E571 of 2025) [2025] KEHC 10497 (KLR) (Civ) (10 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10497 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**CIVIL**  
**MISCELLANEOUS CIVIL APPLICATION E571 OF 2025**  
**NW SIFUNA, J**  
**JULY 10, 2025**

**BETWEEN**

**LILY MAUREEN MURUGI ..... 1<sup>ST</sup> INTENDED PLAINTIFF**  
**COLLINS NABISWA ..... 2<sup>ND</sup> INTENDED PLAINTIFF**  
**OJURO TELFORD ADUDA ..... 3<sup>RD</sup> INTENDED PLAINTIFF**  
**PHILOMENA OLESI OKWEMBA ..... 4<sup>TH</sup> INTENDED PLAINTIFF**  
**ROBERT IDEWA OMUSE ..... 5<sup>TH</sup> INTENDED PLAINTIFF**  
**MERCY CAMILLA WANG’OMA ..... 6<sup>TH</sup> INTENDED PLAINTIFF**  
**MARK ANTHONY MUOKI ..... 7<sup>TH</sup> INTENDED PLAINTIFF**  
**ABUOM KIDRON OTIENO ..... 8<sup>TH</sup> INTENDED PLAINTIFF**  
**RECHEAL NAMUKEMO ..... 9<sup>TH</sup> INTENDED PLAINTIFF**  
**DANIEL ONG’AO MAKORI ..... 10<sup>TH</sup> INTENDED PLAINTIFF**  
**ADVENTINE MKOYA ..... 11<sup>TH</sup> INTENDED PLAINTIFF**  
**TIMOTHY KAMANDE ..... 12<sup>TH</sup> INTENDED PLAINTIFF**  
**JMK (MINOR SUING THROUGH HER NEXT FRIEND JMK**  
**(MOTHER) ..... 13<sup>TH</sup> INTENDED PLAINTIFF**  
**JMK ..... 14<sup>TH</sup> INTENDED PLAINTIFF**  
**ANDREW WABWIRE CHACHA ..... 15<sup>TH</sup> INTENDED PLAINTIFF**  
**BRIAN BUSU ..... 16<sup>TH</sup> INTENDED PLAINTIFF**  
**MOUREEN WANJIRU MBUGUA ..... 17<sup>TH</sup> INTENDED PLAINTIFF**



FELIX OCHIENG ..... 18<sup>TH</sup> INTENDED PLAINTIFF  
 ELIZABETH NJERI NDEGEAH ..... 19<sup>TH</sup> INTENDED PLAINTIFF  
 BELINDA AKINYI ABUOM ..... 20<sup>TH</sup> INTENDED PLAINTIFF  
 PURITY NTHAMBA MUIA ..... 21<sup>ST</sup> INTENDED PLAINTIFF  
 DOREEN MUTANU MUSYOKA ..... 22<sup>ND</sup> INTENDED PLAINTIFF  
 YVONNE MUNYIVA MUSYOKI ..... 23<sup>RD</sup> INTENDED PLAINTIFF  
 SARAH WAMBUI NDUNG’U ..... 24<sup>TH</sup> INTENDED PLAINTIFF  
 PATRICK CHEM NGEYWO ..... 25<sup>TH</sup> INTENDED PLAINTIFF  
 ONESMUS MULEI MUTISYA ..... 26<sup>TH</sup> INTENDED PLAINTIFF  
 ALPHONCE MUTHENGI ..... 27<sup>TH</sup> INTENDED PLAINTIFF  
 VIRGINA WAYUA ..... 28<sup>TH</sup> INTENDED PLAINTIFF  
 JONES MAUNDU MBALUKA ..... 29<sup>TH</sup> INTENDED PLAINTIFF  
 SILAS OTIENO ODERO ..... 30<sup>TH</sup> INTENDED PLAINTIFF  
 ROSE MWENDE ..... 31<sup>ST</sup> INTENDED PLAINTIFF  
 ALFRED JUMA SIKOYO ..... 32<sup>ND</sup> INTENDED PLAINTIFF  
 ERICK ODHIAMBO ONDIEK ..... 33<sup>RD</sup> INTENDED PLAINTIFF  
 EDWIN PRINCE OKWERO ..... 34<sup>TH</sup> INTENDED PLAINTIFF  
 LYDIA WANJA GITHUI ..... 35<sup>TH</sup> INTENDED PLAINTIFF  
 BONFACE NDAKALA SAYA ..... 36<sup>TH</sup> INTENDED PLAINTIFF  
 ALVIN MUSYOKA ..... 37<sup>TH</sup> INTENDED PLAINTIFF

AND

DERRICK KIMATHI T/A MAXXIS ENERGY NAIROBI  
 LIMITED ..... 1<sup>ST</sup> INTENDED DEFENDANT  
 DERRICK KIMATHI & DERDOLS TECH SERVICES LIMITED BOTH T/A  
 DERDOLS PETROLEUM LIMITED ..... 2<sup>ND</sup> INTENDED DEFENDANT  
 MWANGI NGUYO ..... 3<sup>RD</sup> INTENDED DEFENDANT  
 NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA) .... 4<sup>TH</sup>  
 INTENDED DEFENDANT  
 ENERGY AND PETROLEUM REGULATORY AUTHORITY  
 (EPRA) ..... 5<sup>TH</sup> INTENDED DEFENDANT  
 NAIROBI CITY COUNTY ..... 6<sup>TH</sup> INTENDED DEFENDANT  
 MINISTRY OF ENERGY AND PETROLEUM ..... 7<sup>TH</sup> INTENDED DEFENDANT  
 MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND  
 FORESTRY ..... 8<sup>TH</sup> INTENDED DEFENDANT



**RULING**

1. This ruling is on this Application dated 5<sup>th</sup> May 2025. The same which was filed as an originating Summons seeks leave for the Applicant to file an action out of time.
2. The intended action is a tort action arising from personal injuries sustained in a petroleum gas [LPG] explosion fire that occurred on 1<sup>st</sup> February 2024 in Mradi Area of Embakasi Sub-County in Nairobi City County.
3. The Application is stated to have been brought pursuant to Order 37 Rule 6 of the Civil Procedure Rules, as well as Section 27 of the Limitation of Actions Act [Cap 22 Laws of Kenya], as read together with Section 3 of the Public Authorities Petroleum Act.
4. Such action against government authorities are under the later supposed to be filed within one year. Under Section 27 of the Limitation of Actions Act, the time for bring actions based on tort may be extended on good ground and reasonable cause being shown.
5. In the Supporting Affidavit for this Application, the Applicant has attributed to delay in bringing the action, to the incapacity caused by the life-threatening injuries sustained by the victims/s 37 in number, namely;
  1. Lily Maureen Murugi
  2. Collins Nabiswa
  3. Ojuro Telford Aduda
  4. Philomena Olesi Okwemba
  5. Robert Idewa Omuse
  6. Mercy Camilla Wang'oma
  7. Mark Anthony Muoki
  8. Abuom Kidron Otieno
  9. Recheal Namukemo
  10. Daniel Ong'ao Makori
  11. Adventine Mkoya
  12. Timothy Kamande
  13. VM [suing through the next friend JMK]
  14. JMK
  15. Andrew Wabwire Chacha
  16. Brian Busu
  17. Moureen Wanjiru Mbugua



18. Felix Ochieng'
19. Elizabeth Njeri Ndegeah
20. Belinda Akinyi Abuom
21. Purity Nthamba Muia
22. Doreen Mutanu Musyoka
23. Yvonne Munyiva Musyoki
24. Sarah Wambui Ndung'u
25. Patrick Chem Ngeywo
26. Onesmus Mulei Mutisya
27. Alphonse Muthengi
28. Virgina Wayua
29. Jones Maundu Mbaluka
30. Silas Otieno Odero
31. Rose Mwendu
32. Alfred Juma Sikoyo
33. Erick Odhiambo Ondiek
34. Edwin Prince Okwero
35. Lydia Wanja Githui
36. Bonface Ndakala Saya
37. Alvin Musyoka

#### **Determination**

6. Upon considering the grounds in the Application, and the reasons given for the delay in bringing action, I find that the Application meets the threshold for granting an extension of time for bringing the intended tort action.
7. The Application is hereby allowed; in terms that the period for filing the action is hereby extended for a period of six months; starting a day after the lapse of the Statutory period within which the action was to be instituted. Meaning that the suit shall be filed on or before 1<sup>st</sup> August 2025.
8. There shall be no order as to the costs on this Application.

**DATED AND DELIVERED AT NAIROBI ON THIS 10<sup>TH</sup> DAY OF JULY 2025.**

**PROF [DR] NIXON SIFUNA**

**JUDGE**

