



**Njuguna v Kimotho (Civil Appeal 060 of 2023)  
[2025] KEHC 12525 (KLR) (9 September 2025) (Directions)**

Neutral citation: [2025] KEHC 12525 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT THIKA  
CIVIL APPEAL 060 OF 2023  
RC RUTTO, J  
SEPTEMBER 9, 2025**

**BETWEEN**

**BERNARD GACHUKI NJUGUNA ..... APPELLANT**

**AND**

**DAVID KIMOTHO ..... RESPONDENT**

**DIRECTIONS**

1. As I proceeded to prepare the judgment in this matter, I noted that there is an application dated 19th September 2024 that remains pending determination.
2. The record reflects that on 28th October 2024, directions were issued regarding the filing of pleadings and submissions in respect of the said application. Specifically, the Respondent was directed to file a response, and both parties were guided on the timelines for filing their respective submissions. In compliance, the Respondent filed a replying affidavit sworn on 28th October 2024. The Appellant subsequently filed submissions dated 11th November 2024. However, the Respondent is yet to file submissions in response to the application.
3. When the matter came up before me on 2nd December 2024, counsel for the Respondent informed the Court that the matter was scheduled for hearing of the appeal and that both parties had filed their submissions. It was noted that the Appellant’s submissions were dated 24th July 2024, while the Respondent’s were dated 9th September 2024.
4. Upon review, it became apparent that the Appellant’s submissions referred to by counsel relate to the pending application, whereas the Respondent’s submissions pertain to the appeal. In the absence of submissions from the Respondent on the application, proceeding to write the judgment at this stage would risk prejudicing one of the parties, hence these directions
5. Accordingly, I direct that the Appellant to file submissions in respect of the Appeal. Judgment will be delivered on 9<sup>th</sup> October 2025.



Orders accordingly.

**DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 9<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**RHODA RUTTO**

**JUDGE**

In the presence of;

.....Appellant

.....Respondent

Selina Court Assistant

