



**Muingai & another v Marenya (Civil Appeal E175 of 2022)
[2024] KEHC 1310 (KLR) (Civ) (15 February 2024) (Judgment)**

Neutral citation: [2024] KEHC 1310 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E175 OF 2022

JN MULWA, J

FEBRUARY 15, 2024

BETWEEN

GEORGE NJIHIA MUINGAI 1ST APPELLANT

PETER MUINGAI NJIHIA 2ND APPELLANT

AND

SHARON MARENYA RESPONDENT

(Being an Appeal from the Ruling of Hon. SRM. J. P. Omollo delivered on 18/03/2022)

JUDGMENT

1. This Appeal is against the trial court's ruling dated 18/03/2022.
On the 27/07/2023, the Appeal was admitted for hearing and directions taken pursuant to Order 42 Rule 13 of the *Civil Procedure Rules* 2010, in presence of both parties Advocates that the Appeal would be disposed of by way of written submissions; each within 30 days.
2. On the 12/10/2023, parties attended court to take a judgment date. However, the court noted that the Appellant had not filed its submissions upon which the Respondent would file its submissions. The court gave the Appellant 14 more days to file and exchange its submissions to enable the Respondent file its submissions.
3. The Appellant once again failed to comply with the court directions. The Respondent filed its submissions dated 31/10/2023 without the benefit of the Appellants submissions.
The court then scheduled the judgment for the 15/02/2024.
4. As at 12/02/2024 when the court was preparing the judgment, the Appellant had not filed its submissions.



In the circumstances, despite the Appellant having been given sufficient opportunity to prosecute its appeal, it failed to do so.

5. Consequently, the Appeal dated 21st March, 2022 is dismissed for want of prosecution with costs to the Respondent.

Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15TH DAY OF FEBRUARY, 2024.

J. N. MULWA

JUDGE

