



**QAO Minor (suing through her mother and next friend PNS) v Sedani (Miscellaneous Civil Application 162 of 2003) [2024] KEHC 6680 (KLR) (3 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6680 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION 162 OF 2003  
RE ABURILI, J  
JUNE 3, 2024**

**BETWEEN**

**QAO MINOR SUING THROUGH HER MOTHER AND NEXT FRIEND) ..... PLAINTIFF**

**SUING THROUGH HER MOTHER AND NEXT FRIEND PNS**

**AND**

**PARESH N SEDANI ..... DEFENDANT**

**RULING**

1. This was an application for leave to appeal out of time and stay of execution of decree pending appeal. The application as filed on 15<sup>th</sup> July 2003 has never been prosecuted.
2. It is overtaken by events as one cannot wait for 20 years to seek to appeal out of time. The matter was found idling in the Civil Division Registry during case audit. It is dismissed for want of prosecution.
3. I make no orders as to costs.
4. The file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 3<sup>RD</sup> DAY OF JUNE, 2024**

**R. E. ABURILI**

**JUDGE**

