



REPUBLIC OF KENYA



**Twiga Chemicals Limited Industries v Mathenge (Civil Appeal
E067 of 2024) [2024] KEHC 8746 (KLR) (22 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8746 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL APPEAL E067 OF 2024
PN GICHOHI, J
JULY 22, 2024**

BETWEEN

TWIGA CHEMICALS LIMITED INDUSTRIES APPELLANT

AND

MOSES MUCHIRI MATHENGE RESPONDENT

RULING

1. Under a Certificate of Urgency, the Appellant filed a Notice of Motion dated 3rd April, 2024 seeking stay of proceedings in Nakuru CMCC No. E312 of 2022 Twiga Chemicals Limited v Moses Muchiri Mathenge pending interpartes hearing of the Application.
2. He also ought to stay of the said proceedings pending hearing and determination of the application.
3. Further he sought stay of further proceedings in the said case pending hearing and determination of appeal.
4. At the certificate stage this court published orders on 4/4/2024 that since the Judgment before the trial court was coming on 4/4/2024, it was rather late in the day to seek stay of proceedings as the orders may very well be overtaken by events.
5. Further the court stated that there is a Memorandum of Appeal filed by the Applicant herein in respect of ruling delivered earlier by the trial court.
6. In those circumstances the court directed that the Respondent be served for further directions on 9/4/2024.
7. The Respondent did attend having been duly served and counsel sought a further mention and within 14 days to confirm filing of a response to the application.



8. The Appellant/Applicant was absent and directions were given granting leave to the Respondent to file and serve their response.
9. The Applicant was at liberty to file a further affidavit within 7 days if need be for further directions on 13/5/2024.
10. There was no attendance by parties on the scheduled date prompting the court to issue a Notice under Section 1A and 1B of the *Civil Procedure Act* for parties to show cause on 22/7/2024 as to why the file should not be marked as closed.
11. There was no attendance or compliance by parties.
12. In the circumstances this matter is considered to have been abandoned and the file marked as closed.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 22ND DAY OF JULY, 2024.

PATRICIA GICHOHI

JUDGE

In the presence of:

N/A for parties

Ruto, Court Assistant

