



**Wanjiru v Muchae & another (Sued as the administrators of the
Estate of Elizabeth Wanjiri Muchai - Deceased) (Civil Appeal
E341 of 2023) [2024] KEHC 9414 (KLR) (10 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 9414 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E341 OF 2023
AB MWAMUYE, J
JULY 10, 2024**

BETWEEN

PETER NJUGUNA WANJIRU APPELLANT

AND

JOHN KABUE MUCHAE 1ST RESPONDENT

RUTH MWARU KABUI 2ND RESPONDENT

**SUED AS THE ADMINISTRATORS OF THE ESTATE OF ELIZABETH
WANJIRI MUCHAI - DECEASED**

*(Being an Appeal against the Judgment and Decree of the Hon. P.M. Mugure
(PM) delivered 21st June, 2023 in Limuru SPM Civil Suit No. 16 of 2020)*

JUDGMENT

1. On 4th June, 2024 Counsel for the Appellant appeared before this Court and correctly stated that the matter was being mentioned for directions on filing of the Record of Appeal and the Appellant's Written Submission. Counsel stated that the matter had previously come up for mention on 23rd May, 2024; during which the Appellant was directed to file the Record of Appeal.
 1. This Court granted the Appellant twenty-one (21) days to file and serve the Record of Appeal together with the Appellant's Written Submissions. This Court further directed that the Respondents would have seven (7) days from the date of service to file and serve their written submissions.
 2. This Court concluded by stating that this Appeal would be reserved for judgment or striking out/rejection of the Appeal, with judgment or striking out/rejection to be delivered or undertaken as the case may be on 10th July, 2024 at 10:30am.



3. The Appellant has not complied with the directions issued on 4th June, 2024 in terms of filing of the Record of Appeal together with written submissions. Noting that the Respondents are represented by Counsel who has appeared severally at the various mentions and at the interlocutory applications stages, I find that it just and proper for the Respondents to have costs.
4. Consequently, I strike out this Appeal with costs to the Respondents.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 10TH DAY OF JULY, 2024.

BAHATI MWAMUYE

JUDGE

In the presence of:

Mr. Kabura Counsel for the Respondents

No Appearance for the Appellant

Mr Guyo, Court Assistant

