



REPUBLIC OF KENYA



KENYA LAW
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**Simba Platinum Limited v Njuguna (Civil Appeal E229 of 2023)
[2024] KEHC 12538 (KLR) (16 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12538 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E229 OF 2023
DO CHEPKWONY, J
OCTOBER 16, 2024**

BETWEEN

SIMBA PLATINUM LIMITED APPLICANT

AND

JOHN NGANGA NJUGUNA RESPONDENT

*(Being an Appeal from the Judgment delivered by Honorable L.
Nyabando (Resident Magistrate) on 29th May, 2023 at Kikuyu)*

RULING

1. This matter is for mention for parties to take directions on the appeal herein. Upon listening to counsel for the Respondent, I have also perused the court record and established that the last time there was any action on this matter was on 12th July, 2023 when the court considered a Notice of Motion application dated 19th June, 2023 and granted the following orders:-
 - a. Certified application as urgent.
 - b. Directed the Applicant to serve the application upon the Respondent.
 - c. Granted stay of execution on condition that the entire decretal amount be deposited in court within twenty (21) days from 12th July, 2023.
2. Parties were to appear in court for mention on 23rd October, 2023 for further directions. Since then no party appeared in court and neither was any action taken.
3. Today, counsel for the Respondent has confirmed that the directions and conditions issued on 12th July, 2023 are yet to be complied with. The twenty-one (21) days period lapsed on 2nd August, 2023.
4. It is worth-noting that the mention Notice was served upon all counsel to attend court today. Neither the Appellant nor their counsel are before court today.



5. In view of the foregoing conduct on the part of the Appellant and or his counsel, it is clear that they have lost interest in having their case prosecuted.
6. In the circumstances, this appeal be and is hereby dismissed for want of prosecution since the Appellant failed to comply with the conditions upon which stay of execution was granted. The Respondent be at liberty to proceed with the execution process.

It is so ordered.

RULING DATED AND SIGNED AT KIAMBU THIS 16TH DAY OF OCTOBER , 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Mutunga counsel for Respondent

Court Assistant - Sanja

