



**Mwangi v Kaminja (Civil Appeal E209 of 2023)
[2024] KEHC 14616 (KLR) (14 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14616 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E209 OF 2023
DO CHEPKWONY, J
NOVEMBER 14, 2024**

BETWEEN

ANTONY NJENGA MWANGI APPELLANT

AND

MARGARET WAITHIRA KAMINJA RESPONDENT

RULING

1. The matter is for mention for parties to confirm compliance of orders issued *vide* a ruling delivered on 16th January, 2021 on the Notice of Motion application dated 26th June, 2023.
2. It is worth noting that the Appellant and or counsel are not in attendance, and they have not also sent representation to explain their absence.
3. Having listened to counsel for the Respondent, I have perused the record and established that since 25th September, 2023, the Appellant's counsel has never attended court.
4. In the ruling delivered on 16th January, 2024, the court granted the Appellant stay of execution on condition that he deposits half the decretal sum together with costs and interest in court within thirty (30) days from the date of the ruling, failure to which, the application dated 26th June, 2023 would stand dismissed.
5. The Respondent's counsel has informed court that the Appellant has neither deposited the security sum as ordered by this court nor filed a Record of Appeal to show he has an interest or that he is still interested in prosecuting the appeal.
6. In view of this, it will be noted that the thirty (30) days period within which the Appellant was to deposit the security sum automatically lapsed on 17th February, 2024. Therefore, the application dated 26th June, 2023 stood automatically dismissed since the orders of 16th January, 2024 were self-executing.



7. With regard to the entire appeal, this court issued a Notice to Show Cause upon the appellant to come to show cause why the appeal should not be dismissed for want of prosecution pursuant to Order 42 Rule 35(2) of the *Civil Procedure Rules*.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 14TH DAY OF NOVEMBER, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mrs. Kenga holding brief for M/S Mutunga counsel for Respondent

No appearance for the Appellant

Court Assistant - Martin

