



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**MISC CIVIL APPLICATION NO 14 OF 2020**

**1. JOSEPH MWANGI KABORA**

**2. MARYROASA MUTHONI**

**(Suing as Legal Representatives of the Estate of**

**ESTHER GATHIGIA MWANGI, DECEASED).....APPLICANTS**

**VERSUS**

**CHARLES NDUNGU MWANGI.....RESPONDENT**

**R U L I N G**

- 1.** The Applicants herein, **JOSEPH MWANGI KABORA** and **MARYROASA MUTHONI MWANGI**, have applied by **notice of motion dated 12/03/2020** for the main order that the court do grant them leave to appeal out of time against the decree of the trial court in **Nanyuki CMCC No 41 of 2018** passed on 26/09/2019.
- 2.** The application is not opposed, in that no grounds of opposition or replying affidavit was filed despite service. At the hearing of the application there was also no appearance for the Respondent despite service.
- 3.** The delay in appealing is explained at paragraph 4 of the supporting affidavit annexed to the application. That explanation is that the **Covid-19 pandemic** that hit the country about March, 2020 occasioned the delay. I accept that explanation.
- 4.** I therefore find that there was sufficient cause for the Applicants not filing their appeal within time. I will in the circumstances allow the application and grant the leave sought. The Applicants may file their memorandum of appeal within fourteen (14) days of delivery of this ruling. It is so ordered. There shall be no order as to costs of this application.

**DATED AND SIGNED AT NANYUKI THIS 6<sup>TH</sup> DAY OF OCTOBER 2021**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 7TH DAY OF OCTOBER 2021**