



**Gichuhi v Mokuu (Civil Appeal E1247 of 2024)
[2025] KEHC 13399 (KLR) (Civ) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13399 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E1247 OF 2024

LP KASSAN, J

SEPTEMBER 30, 2025

BETWEEN

JOHN GICHUHI APPLICANT

AND

BRIAN OKOYO MOKUA RESPONDENT

RULING

1. This is an application seeking leave to appeal out of time literally based on inaccurate assumption by the Appellant Advocate who had been instructed on time to Appeal leading to a delay of 73 days. I have read the documents available and wish to note that the delay in filing this appeal is not inordinate and that a mistake by an advocate should not be visited upon his client. I wish to note that there is a conditional stay meaning that the Respondent need not worry about this matter since there is sufficient security and in case of non-compliance, nothing prevents the respondent from executing. The upshot of this is that the Application dated the 29th day of October 2025 is allowed in terms of prayer 2. Each party shall bear own costs.
2. Orders Accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF SEPTEMBER, 2025

L. P. KASSAN

JUDGE

In the presence of:

No appearance for Appellant

Opondo for Respondents



Court Assistant – Carol.

