

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPELLATE DIVISION
CIVIL APPEAL NO. E1154 OF 2024

**JOHN AWITI MAGUKE t/a BLUE CITY PRODUCTS
.....APPLICANT**

-VERSUS-

**ECOBANK KENYA LIMITED.....
RESPONDENT**

(Being an application for extension of time to lodge an appeal against the judgement and decree of the Chief Magistrate's Court (Hon. Christine Asuna Okello PM) given on 3rd day of October 2024 in C.M.C.C No. 2290 of 2015)

RULING

1. This is an application to seek leave to file an appeal out of time. The main reason for the delay is that the Appellant's advocate informed the Appellant of the Lower Court Judgement around two months after the delivery of the Judgement. I have read the submissions on record and the affidavits. It is my finding that the delay is not inordinate and cannot defray a right of appeal. The application is allowed. I also direct that the entire decretal amount be deposited to an escrow account within 30 days from today (if no security has been deposited).

2. The Appellant (who occasioned the delay) shall pay costs.

3. Orders Accordingly.

**Delivered, dated and signed at NAIROBI this 29th day of
September, 2025**

**L. P. KASSAN
JUDGE**

In the presence of:

No appearance for Appellant

No appearance for Respondents

Court Assistant - Carol.

Mention 8th December 2025