



**Maguke t/a Blue City Products v Ecobank Kenya Limited (Miscellaneous Application E1154 of 2024) [2025] KEHC 14028 (KLR) (Civ) (8 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14028 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CIVIL  
MISCELLANEOUS APPLICATION E1154 OF 2024**

**LP KASSAN, J**

**OCTOBER 8, 2025**

**BETWEEN**

**JOHN AWITI MAGUKE T/A BLUE CITY PRODUCTS ..... APPLICANT**

**AND**

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

**RULING**

1. This is an application to file an appeal out of time for the main reason that the Appellant advocate did not inform the Appellant that Judgment had been delivered. I have considered all relevant authorities and without belaboring with principles guiding appeal out of time I shall dispose this application by looking at the chronology of events which are key in reaching a determination.
2. Essentially, the Judgment was delivered on the 3rd day of October 2024 and with a 30 days stay, the period of appealing lapsed on the 3rd day of November 2024. This Application was filed on the 18th day of December 2024 meaning that there was a delay of around one and half months. The main reason for failing to file the appeal was that the Appellant only came to know of this appeal on the 8th day of December 2024.
3. I have considered the delay in filing this appeal and noted that it is not inordinate and although the reason for the delay cannot be verified, I shall give the appellant the benefit of doubt.
4. The onset of the above is that the application dated the 18th day of December is allowed on condition that the decretal amount (if not already deposited) shall be deposited to an escrow account within 60 days from today. The Respondent shall have costs.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 8<sup>TH</sup> DAY OF OCTOBER 2025.**

**HON. L. P. KASSAN**



## **JUDGE**

In the presence of:

No Appearance for Applicant

Daniel Nzeki for Respondent

Carol – Court Assistant

