

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPELLATE DIVISION
HC MISC APPL. NO. E980 OF 2023

DR MARY WARIARA MBUGUA.....

APPELLANT

-VERSUS-

ELIJAH NJAGI IRERI

T/A IRERI & COMPANY ADVOCATES RESPONDENT

RULING

- 1.** This is an application to set aside a ruling, enlarge time of appeal and to strike out a bill of costs dated on the 18th day of October 2024 basically because the appellant was not notified on the Ruling date. In have looked at the proceedings and noted the following;
- 2.** On the 27th day of February 2024, taxation was set for 15th day of August 2024 but the Ruling was delivered earlier on 10 July 2024. The proceedings show that the matter came up on the 25th day of June 2024 when parties were absent and it appears that the Ruling was postponed to 5th July 2024. It is

not clear how the Ruling came to be read on the 10th July 2024 and so consequently, the application dated the 5th day of August 2024 is allowed as prayed. The delay in filing this appeal is not inordinate and so time to appeal is enlarged. The matter is referred back to Hon Sitati to hear the matter afresh.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 8TH DAY
OF OCTOBER 2025.**

**HON. L. P. KASSAN
JUDGE**

**In the presence of:
Ms Oduor for Applicant
Asiyo holding brief Nzavi for Respondent
Carol - Court Assistant**