

IN THE COURT OF APPEAL
AT NAIROBI

[CORAM: SICHALE JA (IN CHAMBERS)]

CIVIL APPEAL (APPLICATION) NO. E417 OF 2021

BETWEEN

SIMON WAMBUA MUKULA.....1ST APPELLANT
RAPHAEL MUTINDA MULINGE.....2ND APPELLANT
FREDRICK YUMBYA.....3RD APPELLANT
CHRISTINE MAVINDU.....4TH APPELLANT
JESCA MUMBI.....5TH APPELLANT
FRANCIS MUTIA MWANGA.....6TH APPELLANT
RICHARD MUTHUI WAMBUA.....7TH APPELLANT
JOSEPH KIVWEAA NDUNDU.....8TH APPELLANT
NGUU NDONGA.....9TH APPELLANT
STEPHEN MWIKYA MANG'ATU.....10TH APPELLANT
STEPHEN MAITHYA KAGWE.....11TH APPELLANT

-AND-

THE HON ATTORNEY GENERAL.....1ST RESPONDENT
KENYA NATIONAL HIGHWAY AUTHORITY.....2ND RESPONDENT
THE PRINCIPAL SECRETARY MINISTRY OF
LANDS, HOUSING AND URBAN
DEVELOPMENT.....3RD RESPONDENT
THE CHIEF REGISTRAR.....4TH RESPONDENT

*(Being an Application for Extension of Time and leave to serve a Notice and Record
of Appeal against the Judgment and Decree of Angote J dated 28th May 2021*

in

Machakos ELC Case No. 206 of 2018

ORDER

1. Upon perusal of the record, the Court observed that on **19th May 2025**, it had directed that the motion dated **11th August 2021**, be taken out in absence of

responses from the 1st, 3rd and 4th respondents and in absence of proof of service of the motion on the three respondents.

2. This Court has once again gone through the record and notes that there is no evidence of service of the motion dated 11th August 2021, on the 1st, 3rd and 4th respondents as was directed on 19th May 2025.
3. Accordingly, the motion is hereby taken out to be relisted afresh by the registry subject to proof of service of the motion dated 11th August 2021, on the 1st, 3rd and 4th respondents.

Made at Nairobi this 24th day of October, 2025.

F. SICHALE

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JUDGE OF APPEAL

I certify that this is
a true copy of the
original.

Signed

DEPUTY REGISTRAR