



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

Munyao & another (Suing on Their Own Behalf and as the Administrators of the Estate of the Late Cyrus Muithi Ndana alias Cyrus Muithi Ndawa) v Ileve (Civil Appeal E126 of 2023) [2025] KEHC 16657 (KLR) (14 November 2025) (Ruling)

Neutral citation: [2025] KEHC 16657 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CIVIL APPEAL E126 OF 2023
BM MUSYOKI, J
NOVEMBER 14, 2025**

BETWEEN

MONICA KATUKU MUNYAO 1ST APPELLANT

PATRICK NDANA MILELWE 2ND APPELLANT

**SUING ON THEIR OWN BEHALF AND AS THE ADMINISTRATORS OF THE
ESTATE OF THE LATE CYRUS MUIITHI NDANA ALIAS CYRUS MUIITHI
NDAWA**

AND

GEORGE KIMOTH O ILEVE RESPONDENT

(Being an appeal from part of judgment and decree of the Chief Magistrate's Court at Thika (Hon. O.M. Wanyaga SRM) civil suit number 389 of 2019 dated 30th May 2022)

RULING

1. When this matter came before me for confirmation of filing of submissions, I inadvertently did not give much attention to the details of the parties. However, as I was beginning to write the judgment, I discovered that the respondent herein was my client in my earlier life as a practising advocate. I represented him in two matters viz Mavoko Cmcc number 344 of 2019 which I handled to its conclusion and Thika Cmcc number 66 of 2019 whose cause of action was the same accident as in this matter although I did not handle the same to conclusion. During the time of engagement with him in the said matters, the respondent became personally known to me.
2. In view of the above, I do believe that whichever way I decide this appeal, justice will not be seen to be done and for that reason, I hereby recuse myself from handling this matter.



3. The file is hereby returned to the High Court registry at Thika to be mentioned before the Presiding Judge of the station for further directions. I apologise to the parties for any inconvenience this action may cause to them.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 14TH DAY OF NOVEMBER 2025.

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

Judgment delivered in presence of Counsel holding brief for Mr. Mutua for the appellant and in absence of the respondent.

