

**IN THE COURT OF
APPEAL AT NYERI
(CORAM: KANTAI, J.A. - IN
CHAMBERS) CIVIL APPLICATION NO.
E087 OF 2025 BETWEEN**

ANTHONY KIMARU MUTAHI.....APPLICANT

AND

**FIONA LOUISE ANSETT.....1ST
RESPONDENT GEORGE ODINGA ORARO
2ND RESPONDENT DAVID MORTON
SILVERSTEIN.....3RD RESPONDENT CHIEF LAND
REGISTRAR.....4TH RESPONDENT**

(An application for leave to amend the citation of the appeal against the Ruling of the Environment and Land Court at Nanyuki (Kossy Bor, J.) delivered on 19th July, 2023

in

**ELC Case No. 2 of 2023
formerly
ELC Case No. 36 of 2016.)

RULING

I am asked by the applicant, **Anthony Kimaru Mutahi** in the Motion brought under various provisions of law to grant him leave to file a Supplementary Record of Appeal – Certificate of Correctness of Record and that the draft Supplementary Record of Appeal annexed be deemed to have been duly filed and served. In ground in support of the application and in his affidavit it is said that the applicant filed a Record of Appeal on 25th April, 2025 and a Supplementary Record of Appeal on 5th May, 2025 which were served on the respondent; that he inadvertently did not certify the copies as correct at the time of filing; that he, a layman, was unaware of the format of drafting it and that, left as it is, the

record

would be incompetent; that the respondent will not suffer any prejudice if a Supplementary Record is filed. Attached to the application is an appropriate draft of the document meant to be amended.

I have seen what the 1st respondent has said in opposing the application.

The applicant tells me that he is appearing in the matter in person and that while preparing Supplementary Record of Appeal he inadvertently did not certify the record as required by our rules. He says, and I agree, that allowing the amendment cannot prejudice the respondents in any way. I think that there is a reasonable explanation for the error.

I allow the Motion. Let the amended document be filed within seven (7) days of today. Costs of the Motion will be in the appeal.

Dated and delivered at Nyeri this 28th day of November, 2025.

S. ole KANTAI

.....
JUDGE OF APPEAL

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

Signed
DEPUTY REGISTRAR