



REPUBLIC OF KENYA



**KENYA LAW**  
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**Ibrahim v Durange & another (Civil Suit 194 of 1999)  
[2025] KEHC 17940 (KLR) (3 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 17940 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CIVIL SUIT 194 OF 1999  
HI ONG'UDI, J  
DECEMBER 3, 2025**

**BETWEEN**

**ABDI KADIR IBRAHIM ..... PLAINTIFF**

**AND**

**ABDILAME HASSAN DURANGE ..... 1<sup>ST</sup> DEFENDANT**

**ABDI RASHID ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. The plaintiff/applicant in the amended notice of motion dated 25<sup>th</sup> November, 2025 seeks the following orders:
  - i. Spent
  - ii. That the Honourable court be pleased to extend time for filing Notice of Appeal against the Judgment delivered on 19<sup>th</sup> June, 2025 by Hon. Lady Justice Racheal Ng'etich at Kabaranet
  - iii. That the annexed Notice of Appeal be deemed properly filed upon extension orders
  - iv. Costs of the application be provided for
2. The Application is premised on the grounds on its face plus the affidavit of Joyce Chesano (Mrs) advocate.
3. The application is brought under section 95 *Civil Procedure Act*, Order 50 rule 6 and Order 51 of the Civil Procedure Rules and the discretionary powers of the court.
4. The impugned Judgment was delivered by the High Court. The applicant intends to challenge that Judgment by filing an appeal in the Court of Appeal. None of the provisions cited above gives this



court the power to grant leave for one to file an Appeal in the Court of Appeal out of time. The best placed court to do that is the Court of Appeal itself under Rule 4 of that courts Rules which provides:

“The Court may, on such terms as may be just, by order, extend the time limited by these Rules, or by any decision of the court or of a superior court, for the doing of any act authorized or required by these Rules, whether before or after the doing of the act, and a reference in these Rules to any such time shall be construed as a reference to that time as extended”.

5. This court can only issue such orders in respect of matters arising from the lower court; to this court on appeal. The upshot is that this application has been filed before a court without jurisdiction and is therefore struck out with no order as to costs.
6. Orders accordingly.

**DELIVERED VIRTUALLY, DATED AND SIGNED THIS 3<sup>RD</sup> DAY OF DECEMBER, 2025 IN OPEN COURT AT NAKURU.**

**H. I. ONG’UDI**

**JUDGE**

