



**Ayan Automobiles Limited v Ann (Suing as the mother and next friend of CGM) & another
(Commercial Appeal E001 of 2025) [2025] KEHC 18235 (KLR) (5 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18235 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
COMMERCIAL APPEAL E001 OF 2025
PJO OTIENO, J
DECEMBER 5, 2025**

BETWEEN

AYAN AUTOMOBILES LIMITED APPELLANT

AND

**NYABASI BOKE ANN (SUING AS THE MOTHER AND NEXT FRIEND OF
CGM) 1ST RESPONDENT**

BENSON WAHUI MWANGI 2ND RESPONDENT

*((Being an Appeal against the Ruling and Orders of the Hon. J. Ndengeri (PM) delivered at
Naivasha Chief Magistrate's Court on 30th January 2025 in Naivasha CMCC No. E219 of 2022))*

RULING

1. Parties and Counsel owe a duty to court, the law and the profession to comply with court orders and directions to enable court meets it's overriding objectives. Where there is a default, the party in default has an additional duty to explain the delay plausibly.
2. Here, no explanation has been offered. Counsel merely left it to the court. The court deems it an abdication of duty by counsel. That defeats the overriding objectives of the court and must thus invite sanctions.
3. For failure to comply with court directions of 4th December, 2025 thus derailing the progress of this appeal today, the court penalizes the appellant with an order that the appeal is dismissed with costs to the respondent.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 5TH DAY OF DECEMBER, 2025

PATRICK J. O. OTIENO

JUDGE



In the presence of;

Mr. Osoro for the Appellant.

Ms. Mutuku for the Respondent

Ms. Hannah – Court Assistant.

