



**Attorney General v Imokor (Civil Miscellaneous Application  
E161 of 2025) [2025] KEHC 18832 (KLR) (15 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18832 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CIVIL MISCELLANEOUS APPLICATION E161 OF 2025**

**G MUTAI, J**

**DECEMBER 15, 2025**

**BETWEEN**

**THE HON THE ATTORNEY GENERAL ..... APPLICANT**

**AND**

**HELLEN MARIA IMOKOR ..... RESPONDENT**

**RULING**

1. On 22<sup>nd</sup> July 2025 this court, upon being satisfied that service was effected on the respondent/applicant, through what was said to be her email address, [Name Withheld], on 20<sup>th</sup> and 29<sup>th</sup> May and 21<sup>st</sup> July 2025, and through what was said to be her phone number, 07XXXXXXX18, on 29<sup>th</sup> May and 21<sup>st</sup> July 2025, and also being convinced that there were grounds to declare the respondent/applicant a vexatious litigant, declared her as such, and issued an order restraining her from instituting any new legal proceeding or from continuing with any proceedings already commenced without leave of the court.
2. The respondent/applicant was aggrieved by the said decision and filed the application dated 9<sup>th</sup> August 2025 seeking to set aside and or review orders made on 22<sup>nd</sup> July 2025 and for the court to dismiss the application dated 16<sup>th</sup> May 2025 with costs. Ms Imokor contended that it is not true that she was served with the application, as the email address allegedly used to serve her, to wit, [Name Withheld], is not hers. She stated that her correct email address is [Name Withheld]. She denied that mobile phone number 07XXXXXXX18 was still operational, saying that it ceased working in 2022.
3. The respondent/applicant averred that of 6 matters, only one was actually filed by her. She deposed that the orders granted by the court have a far-reaching effect, as she would be denied her right to access justice and would go against the directions of the Court of Appeal.
4. The respondent opposed the application through an affidavit sworn by Paul Waga on 16<sup>th</sup> September 2025, in which he averred that the email [Name Withheld] belonged to the respondent/applicant



as evidenced by the CTS extract and that she was also served through her phone number. Mr Waga accused the respondent/applicant of maligning the respondent.

5. I have considered the parties' written and oral submissions, the respondent/applicant's written submissions of 21st October 2025, and the applicant/respondent's submissions of 3<sup>rd</sup> November 2025. It would appear to me that the respondent/applicant may not have been served with the pleadings. I say so because her contention that the email address used to serve her was not hers has not been controverted. This is so because the extract of CTS provided by the applicant/respondent is in respect of these proceedings and was created with information provided by the State Law Office. It has also not been shown that the cell phone number used to serve the respondent/applicant belongs to her. That being the case, the court's decision was irregular under Order 10, Rules 10 and 11 of the Civil Procedure Rules. The court has the power to set aside the irregular ruling on such terms as are just.
6. In *Patel v E.A. Cargo Handling Services Ltd (1974) EA 75*, it was held that:-

“There are no limits or restrictions on the judge's discretion to set aside or vary an ex-parte judgment except that if he does vary the judgment, he does so on such terms as may be just. The main concern of the court is to do justice to the parties, and the court will not impose conditions on itself to fetter the wide discretion given it by the rules.”
7. I am satisfied that the ruling of this court ought to be set aside. In the circumstances, I set aside the ruling delivered on 22<sup>nd</sup> July 2025. I order that the application dated 16<sup>th</sup> May 2025 be heard on the merits. I grant the respondent/applicant 14 days leave to file a response to the said application.
8. I award the respondent/applicant the costs of the application.
9. It is so ordered.

**DATED AND SIGNED AT MOMBASA, THIS 15<sup>TH</sup> DAY OF DECEMBER 2025. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.**

**GREGORY MUTAI**

**JUDGE**

In the presence of: -

Mrs Chengo, for the Respondent/Applicant;

No appearance for the Applicant/Respondent; and

Zachary- Court Assistant.

