



**GAO v SOO (Miscellaneous Cause E258 of 2024)  
[2026] KEHC 592 (KLR) (Family) (30 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 592 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
MISCELLANEOUS CAUSE E258 OF 2024  
PM NYAUNDI, J  
JANUARY 30, 2026**

**BETWEEN**

**GAO ..... APPELLANT**

**AND**

**SOO ..... RESPONDENT**

**RULING**

1. Vide Notice of Motion application dated 6<sup>th</sup> November 2024, the Applicant moved the Court for orders seeking inter alia that there be a stay of execution of the judgment of the Court in Children’s Case No. E1821 OF 2022 pending the hearing of an intended appeal
2. I deferred the hearing of the application and directed that the matter proceed to hearing of the appeal. Directions were given and parties filed submissions. On reviewing the record I have found that the applicant herein has not filed an appeal, a record of appeal has been filed within a miscellaneous cause.
3. The Notice of Motion is therefore dead on arrival as it has no feet upon which it can stand in the absence of a substantive appeal.
4. On costs, I note that the Court struck out a similar application between the same parties in High Court MISC NO. E179 OF 2024.

I find that this is an appropriate case to award costs to the respondent. Accordingly the respondent will have costs assessed at Kshs.30000 payable within 30 days.

It is so ordered

**DATED AND DELIVERED VIRTUALLY AT NAIROBI THIS 30<sup>TH</sup> JANUARY 2026.**

**P.M. NYAUNDI**



## **JUDGE**

In the presence of:

Fardosa Court Assistant

No appearance for parties.

