

**IN THE COURT OF APPEAL
AT NAIROBI**

(CORAM: TUIYOTT, JA (IN CHAMBERS))

CIVIL APPLICATION NO. NAI E226 OF 2025

BETWEEN

HARTWELL J.M. MWAZIGHE.....APPLICANT

AND

THE HON. ATTORNEY GENERAL.....RESPONDENT

*(Being an application for leave to file an appeal out of time against the Judgment of the High Court of Kenya at Nairobi (**Sergon, J**) delivered on 24th November 2021*

in

H.C.C.C. No. 3008 of 1989)

ORDER

- [1] The direction of this Court was that the notice of motion dated 10th February 2025 be heard by way of written submissions, none of which have been filed by either the applicant or the respondent.
- [2] There is no knowing whether the applicant is still interested in prosecuting the motion. The sensible order to make, which I now do, is to direct that the matter be taken out from today's list and be relisted for hearing afresh. Parties to be served with a hearing notice and a copy of this order.

Made at Nairobi this 30th day of January 2026.

F. TUIYOTT

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JUDGE OF APPEAL

