



**Quandji v Bank of India & 2 others (Civil Application
E284 of 2025) [2026] KECA 131 (KLR) (30 January 2026) (Ruling)**

Neutral citation: [2026] KECA 131 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E284 OF 2025**

**F TUIYOTT, JA
JANUARY 30, 2026**

BETWEEN

LOUIS ROGER QUANDJI APPLICANT

AND

BANK OF INDIA 1ST RESPONDENT

TRACTOR BELL LIMITED 2ND RESPONDENT

STEPHEN KARANJA T/A DALALI TRADERS 3RD RESPONDENT

(Being an application for extension of time to file notice of appeal and record of appeal out of time in an intended appeal from the Judgment of the High Court of Kenya at Nairobi (Grace Nzioka, J.) delivered on 13th July 2020 in H.C.C.C. No. 84 of 2008)

RULING

1. Louis Roger Quandji, the applicant, seeks leave of this Court to lodge a notice of appeal and appeal out of time. The plea is in a notice of motion dated 16th October 2024 and brought under the provisions of Rule 4 of the Court of Appeal Rules.
2. The judgment sought to be impugned is that of the Hon. Lady Justice Grace Nzioka delivered on 13th July 2020. The long delay in bringing this application is explained in the affidavit of the applicant sworn on 16th October 2024.
3. The applicant states that once the hearing was concluded, the lawyers for the parties were directed by the trial court to file submissions upon which judgment would be delivered on notice. The applicant waited in vain for his lawyers, M/s Osundwa & Co. Advocates to communicate the date for delivery of the judgment compelling him to visit their offices only to find a notice on the door that the offices would remain closed until further notice due to the Covid-19 pandemic. The offices remained closed in July and August 2020 upon visits he made there.



4. On 10th September 2020 an old acquaintance Mr. Kariuki, introduced him to lawyer, Wesley Kamau, who extracted a copy of the judgment from the High Court website on 11th September 2020. He instructed Mr. Kamau to seek leave to file a notice of appeal out of time.
5. Sometime in 2021, the applicant became severely unwell and was compelled to return to his home country of Cameroon for medical care and attention. He has been residing there since hence his inability to adequately and timeously instruct Mr. Kamau, leading to further delay in complying with the statutory timelines. He has now instructed the firm of K. M. Mburu & Associates to file the present application. He attributes the delay to the reasons set out and what he terms as logistical and administrative challenges associated with the change of advocates.
6. The respondents did not file any response or submissions and the application is unopposed. This court has read the material before it and the submission filed on behalf of the applicant.
7. The decision in *Leo Sila Mutiso v Rose Hellen Wangari Mwangi* – Civil Application No. Nai 251 of 1997 is often quoted for restating the considerations that guide the exercise of the discretion granted to a single judge in considering an application for extension of time under Rule 4. They are: the length of the delay; the reasons for the delay; (possibly) the chances of the appeal succeeding if the application is granted; and the degree of prejudice to the respondent if the application is granted.
8. The delay in filing the notice of appeal and therefore the appeal in time is attributed to two reasons, the inaction of the past advocates of the applicant and illness on the part of the applicant which hampered his ability to pursue the intended appeal. Regarding his illness, the applicant has produced medical reports which show a history of illness in October 2022 and it is believable that this may have contributed to the delay herein.
9. While the delay is prolonged, the respondents have not opposed it and it has therefore not been proved or even alleged that the respondents will suffer prejudice if the extension sought is granted, even so late in the day. For this reason, the Court will excuse the lengthy delay.
10. The notice of motion of 16th October 2024 is hereby allowed with no order as to costs. The notice of appeal shall be filed and served within fourteen (14) days of this order and thereafter, the record of appeal within forty-five (45) days.

DATED AND DELIVERED AT NAIROBI THIS 30TH DAY OF JANUARY 2026.

F. TUIYOTT

..... **JUDGE OF APPEAL**

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR.

