



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CIVIL APPEAL NO. E133 OF 2024

ERYE MOTORS LTD **1ST**
APPELLANT
EDWIN KIPLAGAT **2ND**
APPELLANT

VERSUS

GEOFFREY MOMANYI NYAKUNDI (suing as the Legal
Representative of the late **MARY WAMBUI MWANGI...**
RESPONDENT

RULING

1. This matter came up for notice to show cause on the 14/11/2025. The Respondent advocate duly notified the court that the appellant had a stay on consent but failed to fulfil the terms of the consent. That subsequent thereto the appellant paid Ksh 3 million of the decretal sum leaving a balance.
2. The Respondent is of the view that the appeal ought to be dismissed for want of prosecution.
3. The court further directed service upon the Appellant culminating to the appearance of Mr. Murithi on the 20/11/2025. Mr. Murithi notified the court there had been

change of advocates in this matter with instructions by the appellant to the firm of Kiptum & Co. Advocates and a notice had been filed. The court retired to peruse the CTS record

4. It is apparent that the Appellant never filed any notice of Change of Advocates, as such the firm of Seth & Wathigo has and remains on record.

5. The Appellants have thus failed to show cause why this appeal should not be dismissed for want of prosecution.

6. I accordingly dismiss the appeal for want of prosecution.

Dated, Signed and delivered at Nakuru this 19th day of February, 2026

Mohochi S.M
JUDGE