

**IN THE COURT OF
APPEAL AT NAIROBI
CIVIL APPLICATION NO. E780 OF
2025 (CORAM: ONGUDI, JA (IN
CHAMBERS))**

BETWEEN

JOSEPH MBATIA GACHUI, SOLOMON NJIHIA GACHUI (*suing
as
the Administrators of the estate of the late GACHUI
MUCHEMA.....*) **APPLICANTS**

AND

**MARION GATHONI MAINA1ST
RESPONDENT
FRANCIS MURIITHI MUNDIA.....2ND
RESPONDENT**

*(Being an application from the judgment/decree of (C. Ochieng, J) issued
on 12th November, 2025*

*in
Nairobi ELC No. 1003 of 2005(OS)*

RULING

1. In the Notice of Motion dated 7th December, 2025 the applicants are seeking for extension of time to file Notice of Appeal. That the annexed Notice of Appeal be deemed as duly filed and served upon payment of requisite fees. The application was served on counsel for the respondents but no response was ever filed. The respondents did not also file any submissions despite

having been served with a hearing notice. The application is therefore uncontested.

2. I have considered the grounds and affidavit in support of the application. I have also considered the grounds of appeal in the intended memorandum of appeal annexed. I find the appeal to be arguable. The delay of ten (10) days is not inordinate. I therefore allow the Notice of Motion dated 7th December, 2025 and extend time for filing the Notice of Appeal.

Secondly, the Notice of Appeal dated 4th December, 2025 annexed to the application shall be deemed as duly filed and paid for as per the annexed receipt. Costs in the cause.

Orders accordingly.

Dated and delivered at Nairobi this 27th day of February, 2026.

H.I. ONG'UDI

.....
JUDGE OF APPEAL

*I certify that this is the
true copy of the original
signed*
DEPUTY REGISTRAR