



Goldstein Group Services Limited v Choi & 5 others (Civil Application E656 of 2025) [2026] KECA 361 (KLR) (27 February 2026) (Ruling)

Neutral citation: [2026] KECA 361 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E656 OF 2025
HI ONG'UDI, JA
FEBRUARY 27, 2026**

BETWEEN

GOLDSTEIN GROUP SERVICES LIMITED APPLICANT

AND

YOUNG MOON CHOI 1ST RESPONDENT

BHARAT RAMNJI 2ND RESPONDENT

ALLOTROPE TRUST COMPANY LIMITED 3RD RESPONDENT

MASAI ROSES LIMITED 4TH RESPONDENT

JAMII BORA BANK LIMITED 5TH RESPONDENT

CHIEF LAND REGISTRAR 6TH RESPONDENT

(Being an application for enlargement of time to file and serve the Notice of Appeal out of time in an intended Appeal from the judgment of Environment and Land Court at Milimani (O. Angote, J) delivered at Nairobi on 23rd October 2025)

RULING

1. This is the Notice of Motion dated 11th November, 2025 where the applicant is seeking enlargement of time to file a notice of appeal and a record of appeal. It is supported by two affidavits sworn on even date. The impugned judgment was delivered on 23rd October, 2025. The applicant was the 1st defendant in the trial court and his counter-claim was dismissed hence the cry out.
2. In his supporting affidavit, counsel Mwangi explains the cause of the delay arising from errors on his end at the office, for which he is remorseful. It is clear from the record that the respondents have not filed any responses to the Notice of Motion and neither have they filed any submissions.



3. The applicant's submissions were filed by the firm of Manasses, Mwangi & Associates- MMAS and are dated 27th January, 2026. Counsel basically submits that the application meets the principles for extension of time in a matter of this nature.

Reliance was placed on the cases of:

- i. Fakir Mohammed vs. Joseph Mugambi & 2 Others [2005] eKLR.
- ii. Edith Gichungu Koine vs. Stephen Njagi Thoithi [2014] eKLR.
- iii. Kamotho vs. Kamtho [2025] KECA, 2310 [KLR].
- iv. Athman Nusura Juma vs. Afwa Mohammed Ramadhan [2016] eKLR.

Counsel argues that delay of 4 days is not inordinate. Further, that the intended appeal is arguable, and the application is not opposed.

4. In the case of Nicholas Kiptoo Arap Korir Salat vs. IEBC & 7 Others, [2014] eKLR, the Supreme Court set out the principles to be constrained in an application of this nature. They are: Extension of time is discretionary. The delay must be explained. Application should be filed promptly. Will the respondent be prejudiced? Is the intended appeal arguable? Is public interest involved?

5. Bearing the above principles in mind, I now wish to assess the scenario before this court. The applicant was supposed to file its Notice by 6th November, 2025 which did not happen. The application herein was filed on the 5th day after the deadline which I do not find to be inordinate delay. The applicant has equally fully explained the cause of the set back without hiding anything. I am therefore, satisfied with the explanation given.

6. The appeal being a arguable does not imply it is obviously going to be successful. There must be some reasonable arguments raised. From the record herein I find reasonable grounds to have been raised. The applicant is also ready with the typed proceedings. The upshot is that the Notice of Motion dated 11th November 2025 has merit and is allowed. Time for filing Notice of Appeal is hereby extended as prayed.

7. The applicant to file and serve its Notice of Appeal within seven (7) days from today's date.

8. Costs in cause.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 27TH DAY OF FEBRUARY, 2026.

H.I. ONG'UDI

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JUDGE OF APPEAL

I certify that this is the true copy of the original

signed

DEPUTY REGISTRAR

