

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CIVIL MISCELLANEOUS NO.E004 OF 2026

IN THE MATTER OF JAMES NJOROGE MBAI

CHARLES NYUTU MBAI APPLICANT

VERSUS

JAMES NJOROGE MBAI RESPONDENT

RULING

1. The matter has been placed before this Court for hearing of a **Notice of Motion** application dated 21st January, 2026. I have perused the record and established that the Applicant has filed a **Notice of Withdrawal of the application** dated 3rd March, 2026 in which he seeks to have the application withdrawn on the ground that the Respondent passed o on 24th January, 2026 while undergoing treatment at St. Mary's Hospital. I note that there is no response which had been filed herein.
2. In view of this, the **Notice of Motion** application dated 21st January, 2026 be and is hereby withdrawn pursuant to the **Notice of Withdrawal** dated 3rd

March, 2026, with no order as to costs.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU

THIS 18TH DAY OF MARCH, 2026.

D. O. CHEPKWONY

JUDGE