



REPUBLIC OF KENYA



KENYA LAW
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**Kimani v Waiguru (Civil Appeal E076 of 2025)
[2026] KEHC 5131 (KLR) (22 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5131 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CIVIL APPEAL E076 OF 2025
DO CHEPKWONY, J
APRIL 22, 2026**

BETWEEN

JOHN KIRAGU KIMANI APPELLANT

AND

JAMES M WAIGURU RESPONDENT

RULING

1. The matter is for mention for parties to take directions on Notice of Motion application dated 22nd July, 2025 in which the Applicant is seeking orders that:
 - a. Spent
 - b. Spent
 - c. This Honourable Court be pleased to grant an order of stay of delivery of Judgment in the lower court matter herein being Kangema MCC No. E026 of 2021 pending the hearing and determination of the subject appeal
2. The application is based on the grounds set out on its plaint and the supporting affidavit sworn by S.W. Kiragu, advocate for the Appellant/Applicant.
3. The Respondent's counsel,
4. Mr Kariuki to the application to enable the parties proceed with the hearing of the main appeal.
5. In the circumstances, the Notice of Motion application dated 22nd July, 2025 is hereby allowed pursuant to the consent by both parties herein.
 - a. Subsequently, the following orders issue:-



- b. The Notice of Motion application dated 22nd July, 2025 be and is hereby allowed in terms of prayer No (c) thereof
- c. The lower court file shall be returned to the trial court at Kangema Senior Principal Magistrate's court for the proceedings therein to be typed and supplied to the parties for purposes of compiling of Record of Appeal
- d. The Appellant shall file and serve a Record of Appeal within sixty (60 days).
- e. The Deputy Registrar to recall the original Record of proceedings from Kangema Law Courts after the filing of proceedings for purposes of hearing the appeal.
- f. Mention on 2nd July, 2026 for parties to confirm compliance and take direction and hearing of the Appeal.

6. It is so ordered

RULING DELIVERED THIS 22ND DAY OF APRIL, 2026.

HON. D. CHEPKWONY

JUDGE

