



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CIVIL MISCELLANEOUS NO. E063 OF 2026

**CHRIS MBUGUA NDUNGU -----
APPLICANT**

-VERSUS-

**ELEANOR NANDWA ----- 1ST
RESPONDENT**

**PATRICE CHIKAMAI GORDIA ----- 2ND
RESPONDENT**

RULING

1. By Notice of Motion dated 23/2/2026 the Applicant prays for reliefs as follows;-

1) Spent.

2) THAT the Law firm of Cheloti & Company Advocates be granted leave to come on record for the Applicant.

3) Spent.

- 4) Leave to Appeal the lower court's judgement dated 13/10/2025 and ensuing Decree in Molo CMCC No. E017 of 2022, out of time.**
- 5) Consequent to grant of prayer (4) above, the Applicant be at liberty to file a Memorandum of Appeal within 14 days or such shorter period as the court may order.**
- 6) Stay of execution of the impugned Judgement/Decree emanating from the stated lower court suit, pending hearing and determination of the intended Appeal.**
- 7) That the costs of the Application do abide the Appeal.**
- 8) Any further or other order the court may deem fit to grant.**

2. There is evidence of service of the Application upon the Respondents who have not filed any replies thereto. The Motion is accordingly deemed to be unopposed.
3. In the premises, the Application is allowed as per prayers 2), 4), 6) and 7).

4. Prayer 5) is also granted save that the Applicant shall file and serve his Memorandum of Appeal upon the Respondents within seven (7) days from the date hereof, failure to which prayers 4) and 6) of the Application shall automatically stand dismissed.
5. Ruling accordingly.

J. M. NANG'EA, JUDGE.

Ruling dated, signed and delivered virtually at Nakuru this 11th day of May, 2026.

In the presence of:

Applicant's Advocate, Mr. Gordia for Ms Cheloti

Respondents, Absent

Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.