



**Registered Trustees/Minister in Charge of Trinity House International
Ministry v Amani Residents' Welfare Association/Mirema (Suing on Behalf
of the Residents of Mirema Estate Nairobi) & 2 others (Civil Application
E299 of 2024) [2025] KECA 142 (KLR) (7 February 2025) (Ruling)**

Neutral citation: [2025] KECA 142 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E299 OF 2024
AO MUCHELULE, JA
FEBRUARY 7, 2025**

BETWEEN

**THE REGISTERED TRUSTEES/MINISTER IN CHARGE OF TRINITY HOUSE
INTERNATIONAL MINISTRY APPLICANT**

AND

**AMANI RESIDENTS' WELFARE ASSOCIATION/MIREMA (SUING
ON BEHALF OF THE RESIDENTS OF MIREMA ESTATE
NAIROBI) 1ST RESPONDENT**

NAIROBI CITY COUNCIL 2ND RESPONDENT

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY 3RD
RESPONDENT**

*(An application to file an appeal out of time against the judgment and
decree of the Environment and Land Court of Kenya at Nairobi (J.
Omange, J.) dated 11th April 2024 in ELC Petition No. E031 of 2022)*

RULING

1. The judgment that the applicant, the Registered Trustees/Minister in Charge Trinity House International Ministry, seeks to appeal against was delivered on 11th April 2024 by Omange, J. of the Environment and Land Court in Nairobi. The court allowed the petition by the 1st respondent, Amani Residents Welfare Association/Mirema (Suing on behalf of Residents of Mirema Estate Nairobi), and declared that its members' rights to peacefully enjoy their properties and live in a clean and healthy environment had been violated by the applicant and others. It was ordered that the 1st respondent be



compensated in general damages to the tune of Kshs.5,000,000, the applicant and another being asked to bear 10% of the liability.

2. The applicant was aggrieved by the decision. It was required under Rule 77(2) of the Court of Appeal Rules, 2022 to lodge a notice of appeal within 14 days, and under Rule 84(1) to lodge the memorandum and record of appeal within 60 days of the notice of appeal. It did not file the notice of appeal. It has filed the present motion under Rule 4 of the Rules to be accorded extension of time to lodge an appeal out of time. The motion is dated 12th June 2024, which means the delay in filing the notice of appeal was a few days short of two months. It is stated that at the time of the delivery of the judgment, the learned judge indicated that a copy of the same would be ready in due time; and that it took long before it was availed.
3. A party intending to appeal is not required to have the copy of judgment. All that he is required to know is that the judgment went against him, and that is the result that will be indicated in the notice of appeal. Nonetheless, a party who had lost in a case and seeks to appeal is better placed to weigh his options when he has a copy of the decision. Given that the application did not elicit any response, I accept the explanation for the delay to be satisfactory. I am also persuaded that the delay was for a short time only. The applicant seeks to exercise its constitutional right of appeal, even as it is considered that the need to expedite matters before the Court as required by the timelines is also a constitutional imperative. (See *Muringa Company Ltd vs Archdiocese of Nairobi Registered Trustees*, Civil Application No. 190 of 2019).
4. I allow the application, and direct that the applicant files and serves the notice of appeal within 7 days from today and thereafter files and serves the memorandum and record of appeal within 45 days thereafter.

DATED AND DELIVERED AT NAIROBI THIS 7TH DAY OF FEBRUARY, 2025.

A. O. MUCHELULE

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR.

