



**Gathithi the Legal Representative of the Estate of the Late Fredrick
Gathithi Kabue v Cannon Assurance Kenya Limited (Civil Application
E035 of 2025) [2025] KECA 1049 (KLR) (9 June 2025) (Ruling)**

Neutral citation: [2025] KECA 1049 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E035 OF 2025
W KARANJA, JA
JUNE 9, 2025**

BETWEEN

**EUNICE WANJIRU GATHITHI THE LEGAL REPRESENTATIVE OF THE
ESTATE OF THE LATE FREDRICK GATHITHI KABUE APPLICANT**

AND

CANNON ASSURANCE KENYA LIMITED RESPONDENT

*(Being an appeal against the ruling of the High Court of Kenya Commercial and Tax
Division, Nairobi (A. Mabeya, J.) dated on 6th May 2021 in HCCC No. 151 of 2008)*

RULING

1. The Notice of Motion dated 18th March 2025 seeks 2 prayers. One prayer for extension of time under Rule 4 of the Court of Appeal Rules; and the second one a prayer for striking out the appeal under Rule 86 of the Court of Appeal Rules. This is an omnibus application which has mixed up single Judge matters and full bench matters.
2. This Court's stand on omnibus applications is well established.
3. Accordingly, I strike out the application. The applicant can file the application for extension of time before a single Judge and if that is not allowed, then an application for striking out can be made before a 3 Judge bench.
4. Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 9TH DAY OF JUNE 2025.

W. KARANJA

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR

