



REPUBLIC OF KENYA



**Kirima v Rufus & another (Civil Application E111 of 2023)
[2025] KECA 1381 (KLR) (25 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1381 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CIVIL APPLICATION E111 OF 2023
W KARANJA, JA
JULY 25, 2025**

BETWEEN

GEORGE KIRIMA ALIAS GEORGE KIRIMA MUGAMBI APPLICANT

AND

GLORY NKUENE RUFUS 1ST RESPONDENT

MARTIN KOOME KIAMBATI 2ND RESPONDENT

*(Being an application for leave of the Court to file the record of appeal
out of time against the Judgment of the High Court at Meru (C.K.
Nzili, J.) dated 13th July 2022 in ELC Case No. 95 of 2013)*

RULING

1. The application dated 13th May 2025 was filed by the applicant in person. He seeks leave to file the record of appeal out of time against the judgment dated and delivered on 13th July 2022 at the Environment and Land Court (ELC) at Meru in Meru ELC NO. 95 of 2013.
2. I appreciate the fact that the application is drawn by the applicant in person and give some allowance for that in regard to the form. However, I note that the application has several issues that render it unredeemably defective.
3. Firstly, and most important, the application is incompetent as it is not accompanied by an affidavit in support sworn by the applicant.

Secondly, I note that there is no evidence that the application was served on the respondents, as there is no affidavit of service of the application itself. Thirdly, there are no submissions filed by either party in support or in opposition.
4. For the above reasons, I find this application incurably defective and strike it out with no order as to costs.



DATED AND DELIVERED AT NYERI, THIS 25TH DAY OF JULY 2025.

W. KARANJA

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR

