



**Mbogo v Mbui (Civil Application E089 of 2025)  
[2025] KECA 1342 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1342 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CIVIL APPLICATION E089 OF 2025  
W KARANJA, JA  
JULY 17, 2025**

**BETWEEN**

**ELISHA MBOGO ..... APPLICANT**

**AND**

**MARION KAARI MBUI ..... RESPONDENT**

*(Being an appeal against the decision and judgment of the Environment and Land Court (Y.M. Angima, J.) dated 25th October 2018 in E.L.C. Appeal No. 176 of 2014)*

**RULING**

1. I have before me a notice of motion which is undated, filed by Mbiyu Kamau & Company Advocates. It is expressed to be predicated on:-

“ Article 159 of the Constitution, section 3, 3A, 79G and 95 of the Civil Procedure Act, 2010, Order 50, Rule 6, order 51, Rule 1 of the Civil Procedure Rules, 2010.”

2. None of these provisions invoke the jurisdiction of this Court to entertain an application for leave to file an appeal out of time. The application as drawn is grossly incompetent and the same is struck out with costs to the respondent, as it was defended.

**DATED AND DELIVERED AT NYERI, THIS 17<sup>TH</sup> DAY OF JULY 2025.**

**W. KARANJA**

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**JUDGE OF APPEAL**

