



REPUBLIC OF KENYA



**KENYA LAW**  
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**Mituki v Njiru & another (Civil Application E086 of 2025)  
[2025] KECA 1343 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1343 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CIVIL APPLICATION E086 OF 2025  
W KARANJA, JA  
JULY 17, 2025**

**BETWEEN**

**EUSTACE NJIRU MITUKI ..... APPLICANT**

**AND**

**NAZARIO NJERU NJIRU ..... 1<sup>ST</sup> RESPONDENT**

**MBUGI NJERU ..... 2<sup>ND</sup> RESPONDENT**

*(Being an application for extension of time to appeal and stay of execution pending the hearing and determination of an intended appeal against the judgment and orders of the Environment and Land Court at Embu (K. Bor, J.) dated 30th April 2025 in E.L.C. Appeal No. E031 of 2019)*

**RULING**

1. I have before me a notice of motion dated 4<sup>th</sup> June 2025 filed by the firm of Mwathi Njue & Company Advocates, for the applicant. The application is expressed to be predicated on: -  
  
“Rule 41, 42 and 47 of the Court of Appeal Rules, 2010 and Rule 42, Order 9 Rule 9, Order 40(1), Order 42 Rule 6, Order 50 rule 6, Order 51 Rule 1 of the Civil procedure Rules, section 3, 3A of the Civil Procedure Act and all other enabling Provisions of the Law.”
2. None of these provisions invoke my jurisdiction as a single Judge to hear this application. The prayers sought are also omnibus as they combine single Judge matters with full court matters.
3. The application is filed by an advocate and the ignorance of the Court of Appeal Rules displayed in this application is inexcusable. The application is hopelessly incompetent and the same is hereby 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**



.....  
**JUDGE OF APPEAL**

