



**Wanjohi (Suing as Personal Representative of Stanley Wanjohi Mathenge) v Wahome & 4 others (Civil Application E066 of 2025) [2025] KECA 1431 (KLR) (1 August 2025) (Ruling)**

Neutral citation: [2025] KECA 1431 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CIVIL APPLICATION E066 OF 2025  
W KARANJA, JA  
AUGUST 1, 2025**

**BETWEEN**

**IRENE WANGARI WANJOHI (SUIING AS PERSONAL REPRESENTATIVE OF STANLEY WANJOHI MATHENGE) ..... APPLICANT**

**AND**

**FG WAHOME ..... 1<sup>ST</sup> RESPONDENT  
JW MUNUHE ..... 2<sup>ND</sup> RESPONDENT  
PH GITONGA ..... 3<sup>RD</sup> RESPONDENT  
JM MUMU ..... 4<sup>TH</sup> RESPONDENT  
FN KAROBIA ..... 5<sup>TH</sup> 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 Nyeri (J.O. Olola, J.) dated 9th May 2024 in Nyeri ELC Case No. E450 of 2014)*

**RULING**

1. The applicant in the Notice of motion before me is Irene Wangari Wanjohi, who indicates that she is suing as a personal representative of Stanley Wanjohi Mathenge. She seeks leave to appeal out of time against the Ruling dated 9<sup>th</sup> May 2024 made by Olola, J.
2. I have gone through the proceedings before me. I note that the proceedings before the trial court, including the said ruling were in the name of Stanley Wanjohi Mathenge as the plaintiff/applicant. I have not seen any application for substitution of the plaintiff, who is said to be deceased. In absence of evidence of substitution of the plaintiff in the said court with the applicant herein, the court is unable to proceed with the application as the applicant lacks the requisite locus standi to file the intended appeal and present application.



3. Accordingly, the application is adjourned. The applicant to avail evidence to show that she has been substituted as a party herein in place of the late Stanley Wanjohi Mathenge.
4. Today's costs be in the application.

**DATED AND DELIVERED AT NYERI THIS 1<sup>ST</sup> DAY OF AUGUST 2025.**

**W. KARANJA**

.....

**JUDGE OF APPEAL**

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

Signed

**DEPUTY REGISTRAR**

