



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Njuguna v Waithaka (Civil Appeal (Application) E436 of 2024)
[2024] KECA 1685 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KECA 1685 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E436 OF 2024
M NGUGI, JA
NOVEMBER 22, 2024**

BETWEEN

JULIUS NJUGUNA APPLICANT

AND

JOHN ROKI WAITHAKA RESPONDENT

((Being an application for extension of time to file and serve a record of appeal out of time on an appeal from the judgment of O. A. Angote J. dated 3rd November 2022))

RULING

1. In his application dated 21st June, 2024, the applicant seeks extension of time pursuant to rule 4 of this Court's Rules to file and serve the record of appeal dated 11th June 2024 out of time and in the alternative, that the record of appeal dated 10th June 2024 and filed on 11th June 2024 be deemed as duly filed and served.
2. The application was placed before me for hearing on 5th November 2024. Upon perusal of the record, however, I noted
that the parties had filed a consent letter dated 8th July 2024 signed by the firm of N. Kinyanjui & Co. Advocates for the applicant and E.M. Wachira & Co. Advocates for the respondent. The consent is in the following terms:
 1. That the Notice of Motion dated 21st June 2024 is allowed in terms of prayer 1 and 2.
 2. That there be no order as to costs.
3. As the parties have consented to the extension of time as prayed by the applicant, and such consent being reasonable and meeting with the approval of the Court, orders are hereby issued in terms of the consent between the parties dated 8th July 2024



DATED AND DELIVERED AT NAIROBI THIS 22ND DAY OF NOVEMBER, 2024

MUMBI NGUGI

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

