



Kindiki t/a Kithure Kindiki & Associates & Omwanza Ombati v Nyamweya (Civil Application E053 of 2023) [2023] KECA 1445 (KLR) (24 November 2023) (Ruling)

Neutral citation: [2023] KECA 1445 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CIVIL APPLICATION E053 OF 2023
JM NGUGI, JA
NOVEMBER 24, 2023**

BETWEEN

KITHURE KINDIKI T/A KITHURE KINDIKI & ASSOCIATES & OMWANZA OMBATI APPELLANT

AND

MANSON OYONGO NYAMWEYA RESPONDENT

(An Appeal from the ruling for review and order of the High Court of Kenya at Kisii (Okwany, J.) dated 28th February, 2018 in HCCC No. 132 of 2011)

RULING

1. The application dated March 6, 2023 was scheduled for hearing on July 26, 2023. The application, in the main, seeks for extension of time for the appellants to file and serve the Record of Appeal in Civil Appeal No. E49 of 2023 out of time. When the application was placed before me, also placed before me was a letter dated July 26, 2023 by Ms. Winny A. Ochwal from the firm of Oguttu Mboya, Ochwal & Partners, the advocates on record for the respondent. The letter is addressed to the Deputy Registrar of this Court and is copied to the counsel for the applicants. The letter requests that the application be marked as spent. This is because on March 7, 2023, by consent of the parties, this Court granted leave to the appellants to file and serve the Record of Appeal out of time. I have had sight of the order made by the Court on that date and confirmed this to be the case. In the circumstances, the application dated March 6, 2023 is hereby marked as compromised with no order as to costs.

Orders accordingly.

DATED AND DELIVERED AT KISUMU THIS 24TH DAY OF NOVEMBER, 2023.

JOEL NGUGI

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

