



**Mwangi v Mwangi (Civil Application 20 of 2019)  
[2021] KECA 28 (KLR) (23 September 2021) (Ruling)**

Neutral citation: [2021] KECA 28 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CIVIL APPLICATION 20 OF 2019  
DK MUSINGA, JA  
SEPTEMBER 23, 2021**

**BETWEEN**

**KAGAI MWANGI ..... APPLICANT**

**AND**

**EPHANTUS NGARI MWANGI ..... RESPONDENT**

*(Being an application for extension of time to file a Notice of Appeal and a Memorandum of Appeal from the Judgment of the High Court of Kenya at Kerugoya (Mukunya, J.) in ELC Case No. 174 of 2013)*

**RULING**

- 1 The applicant’s notice of motion dated 27th February 2019 seeks an extension of time for filing of a notice of appeal and a memorandum of appeal in respect of a judgment in Kerugoya Environment and Land Court (ELC) No. 174 of 2013 dated 6th July 2018.
- 2 The applicant notified this Court’s Deputy Registrar that the respondent passed away sometime in March 2021 and no application for substitution has been made since then.
- 3 In the circumstances, the hearing of this application cannot proceed and I hereby adjourn the same to a date to be fixed by the registry, in the hope that an application for substitution of the deceased’s respondent shall be made in good time before the intended appeal abates.

**DATED AND DELIVERED AT NAIROBI THIS 23RD DAY OF SEPTEMBER, 2021.**

**D. K. MUSINGA, (P)**

.....

**JUDGE OF APPEAL**

I certify that this is a



true copy of the original.

Signed

**DEPUTY REGISTRAR**

