



**Kubai v Mathu & another (Civil Application 63 of 2020)  
[2021] KECA 279 (KLR) (3 December 2021) (Ruling)**

Neutral citation: [2021] KECA 279 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT MOMBASA  
CIVIL APPLICATION 63 OF 2020**

**JW LESSIT, JA**

**DECEMBER 3, 2021**

**BETWEEN**

**JANE NJOKI KUBAI ALIAS JANE NJOKI MAYER ..... APPLICANT**

**AND**

**JAMES KUBAI MATHU ..... 1<sup>ST</sup> RESPONDENT**

**HOUSING FINANCE CO. LIMITED ..... 2<sup>ND</sup> RESPONDENT**

*(An application for extension of time to file and serve Notice of Appeal and Record of Appeal against the Ruling and Order of the High Court of Kenya at Mombasa (Yano, J.) dated 14th March, 2018 in HCCC No. 25 of 2011)*

**RULING**

1. The notice of motion application dated 24<sup>th</sup> August 2020 was coming up for hearing on 19<sup>th</sup> October 2021. It was seeking leave for the firm of Christine Munasye & Associates Advocates to come on Record and act for the applicants in this application and intended appeal.
2. It also sought leave to extend time for filing the Appeal against the whole ruling and order of the High Court of Kenya at Mombasa dated 14<sup>th</sup> March, 2018 in HCC No. 25 of 2011. However, by a letter dated 30.10.2021 (sic) to this court's Deputy Registrar, the applicant's advocates informed the court that the applicant wishes to withdraw her application in its entirety with no orders as to costs. On that note, they requested that the matter be taken out of the day's cause list.
3. Accordingly, the Notice of Motion application dated 24<sup>TH</sup> August 2020 is returned to the registry for dates once the applicant makes a formally writes or applies to withdraw her application.

**DATED AND DELIVERED AT NAIROBI THIS 3<sup>RD</sup> DAY OF DECEMBER, 2021.**

**J. LESIIT**



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**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR**

