



**Kariuki v Moses (Suing as the Legal Representative/ Administrator of the Estate of the Late Moses Muturi Ndwiga - Deceased) (Environment and Land Appeal E001 of 2022) [2024] KEELC 6726 (KLR) (25 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 6726 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT EMBU  
ENVIRONMENT AND LAND APPEAL E001 OF 2022  
A KANIARU, J  
SEPTEMBER 25, 2024**

**BETWEEN**

**LUCY WANJOVI KARIUKI ..... APPELLANT**

**AND**

**EUGENIA GICUKU MOSES (SUING AS THE LEGAL REPRESENTATIVE/  
ADMINISTRATOR OF THE ESTATE OF THE LATE MOSES MUTURI  
NDWIGA - DECEASED) ..... RESPONDENT**

**RULING**

1. I have been called upon to make a determination on a motion on notice dated 18.07.2022 filed by the appellant - Lucy Wanjovi Kariuki. She is seeking for an extension of time to file an appeal against a judgement delivered on 20.12.2021 in ELC No. 61 of 2019 by Hon J. Ndeng'eri. She is also seeking to have the Memorandum of Appeal filed deemed as duly filed within the stipulated time and for costs of this application to be in the cause. However, upon perusal of the appeal said to have been filed out of time, I do note that this application is unnecessary. This is because, the [Civil Procedure Rules](#), under Order 50 Rule 4, provides for the exemption or exclusion of the period between the twenty-first day of December in any given calendar year and the thirteenth day of January in the calendar year next following, both days included, from computation of time for filing of any pleading or doing any other act. The judgement to be appealed from having been delivered on 20.12.2021, then time started running for purposes of filing the appeal on 14.01.2022. The 30 days required by law within which to file an appeal fell on 12.02.2022 which was a Saturday, and obviously courts were not open. So the earliest the appeal ought to have been filed was the following Monday, 14.02.2022. The memorandum of appeal having been filed on 14.02.2022 was therefore filed within time and so the appeal is well on record. That is why I have pointed out that this application is unnecessary. The appeal was timeously filed, period.



2. For the foregoing reasons, I do find that the notice of motion dated 18.07.2022 is unfounded and I hereby dismiss it. I will not make any orders as to costs.

**RULING DATED, SIGNED AND DELIVERED IN OPEN COURT AT EMBU THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2024.**

In the presence of Ms Ndorongo for appellant/ applicant and Ms Muthoni Ndeke for respondent.

Court Assistant - Leadys

**A. KANIARU**

**JUDGE – ELC, EMBU**

**25.9.2024**

