



Climax Coaches Limited v Onyango alias Lukas Ochieng (Miscellaneous Civil Application 272 of 2024) [2025] KEHC 3214 (KLR) (31 January 2025) (Ruling)

Neutral citation: [2025] KEHC 3214 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION 272 OF 2024
SM MOHOCHI, J
JANUARY 31, 2025**

BETWEEN

CLIMAX COACHES LIMITED APPLICANT

AND

LUCAS OCHIENG ONYANGO ALIAS LUKAS OCHIENG RESPONDENT

RULING

1. It is always said that he who seeks for equitable reliefs must come with clean hands.
2. The Application before me is dated 26th August, 2024 seeking leave to appeal out of time.
3. The Applicants' advocate through her sworn affidavit dated 26th August, 2024 deponed that the 60 days' delay in filing appeal was occasioned by lack of instructions from the insurer Direct Line.
4. The Applicants did not disclose to the Court that the Trial Court had granted stay that lapsed.
5. The Applicants did not disclose to the Court that Part of the decretal amount of Kshs. 210,650/= was paid to the Respondents on 2nd August, 2024.
6. I am not persuaded of the Applicants bonafide in seeking the interlocutory reliefs.
7. I am unable to find merit in the application and the same is dismissed with costs to the Respondents.

SIGNED, DATED AND DELIVERED ON THIS 31ST DAY OF JANUARY 2025

MOHOCHI S.M

JUDGE

In the presence of:



M/s Chemutai for Applicant

Respondents - absent

