



REPUBLIC OF KENYA



KENYA LAW
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**Mghana v Machanga (Civil Appeal E062 of 2024)
[2025] KEHC 8854 (KLR) (29 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 8854 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CIVIL APPEAL E062 OF 2024
AN ONGERI, J
JANUARY 29, 2025**

BETWEEN

BEN MGHANA APPELLANT

AND

DOMINIC MWAMBURI MACHANGA RESPONDENT

RULING

1. Since the exparte judgment was set aside, the Respondent is entitled to thrown away costs.
2. In order to expedite the hearing of the primary suit, the Appellant is directed to pay thrown away costs of Kshs. 30,000/= within 30 days.
3. The original file to be returned to the lower court for hearing.
4. The suit to be prosecuted within 60 days of this.

DATED, SIGNED AND DELIVERED THIS 29TH DAY OF JANUARY 2025 IN OPEN COURT AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Maina

Mr. Wamalwa for the Appellant

Mr. Kazungu for the Respondent

