



**Nguba & 2 others v George (Civil Appeal E351 of 2022)
[2024] KEHC 1742 (KLR) (Civ) (22 February 2024) (Judgment)**

Neutral citation: [2024] KEHC 1742 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E351 OF 2022

JN MULWA, J

FEBRUARY 22, 2024

BETWEEN

PETER NGUBA 1ST APPELLANT

ISAAC WAMBUGU WACHIRA 2ND APPELLANT

JOHN NGURE 3RD APPELLANT

AND

MOSES NTONGAI GEORGE RESPONDENT

JUDGMENT

1. This Appeal was admitted for hearing and directions taken under Order 42 Rule 13 of the [Civil Procedure Rules](#) on 26/07/2023.

Parties sought to dispose the Appeal by way of written submissions; the Appellant within 21 days upon service the Respondent within 21 days with a mention for compliance and taking judgment date on 12/10/2023.

2. On 12/10/2023, the Appellants had not filed their submissions. The court extended the time to file the submissions by 14 days.

That did not happen so the Respondent filed its submissions dated 3/11/2023 without the benefit of the Appellants submissions. Judgment was reserved for 22/02/2024.

3. By 19/02/2024 the Appellants had not filed their submissions. In the circumstances and pursuant to Provisions of Order 42 Rule 35 of the [Civil Procedure Rules](#) 2010, the Appeal is dismissed for want of prosecution with costs to the Respondent.

Orders accordingly.



DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22ND DAY OF FEBRUARY, 2024.

J. N. MULWA

JUDGE

