



Boit & another (Both Suing as Personal Representatives of the Estate of Willy Kipngetchi Too Deceased) v Nancy Njambi Kiongera t/a Chapters Insurance Agency & another (Civil Case E127 of 2022) [2024] KEHC 4672 (KLR) (25 April 2024) (Ruling)

Neutral citation: [2024] KEHC 4672 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL CASE E127 OF 2022
SM MOHOCHI, J
APRIL 25, 2024**

BETWEEN

**BENJAMIN KIPTOO BOIT 1ST APPELLANT
MILCAH NJOKI KIMANI 2ND APPELLANT
BOTH SUING AS PERSONAL REPRESENTATIVES OF THE ESTATE OF
WILLY KIPNGETICH TOO DECEASED**

AND

**NANCY NJAMBI KIONGERA T/A CHAPTERS INSURANCE
AGENCY 1ST RESPONDENT
SONADOR MOTORS LIMITED 2ND RESPONDENT**

RULING

1. The only sole issue for this Court to consider is whether an Appellant can introduce a party on appeal, which party never participated in the impugned trial and judgment on appeal?
2. The application dated 6th November 2023 is found to be of merit and is allowed in terms of orders 1 and 2.
The 2nd Respondent is hereby struck off as a party herein.
3. The Record of Appeal has been prepared and this Court shall thus proceed to give directions on disposal of the appeal.
4. The Appeal is admitted as being ripe for hearing and the same shall be determined by way of written submissions.
5. The Appellant has 14 days to file written submissions and not more than 5 pages.



6. The Respondent has a corresponding 14 days. Mention to confirm compliance and mention to confirm compliance and fix judgment date on 2nd July 2024.

SIGNED, DATED AND DELIVERED AT NAKURU ON THIS 25TH DAY OF APRIL 2024.

MOHOCHI S. M.

JUDGE

