



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Be Energy Limited v Dorine Emily Akinyi Okeno t/a Regold Etipet Enterprises (Civil Appeal E075 of 2023) [2023] KEHC 22862 (KLR) (27 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22862 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL E075 OF 2023  
RE ABURILI, J  
SEPTEMBER 27, 2023**

**BETWEEN**

**BE ENERGY LIMITED ..... APPELLANT**

**AND**

**DORINE EMILY AKINYI OKENO T/A REGOLD ETIPET  
ENTERPRISES ..... RESPONDENT**

*(Being an Appeal from the Judgment of the Chief Magistrate's Court at Kisumu delivered by Hon. J. Wambilyanga (SPM) on 18th July 2022 in Kisumu CMCC No. E022 of 2021)*

**RULING**

1. This appeal arises from the Judgment of the lower court dismissing the suit for the Plaintiff/Appellant herein after a hearing.
2. An appeal lies to this court within 30 days. The Judgment was delivered on July 18, 2022 and the leave to appeal was sought and obtained from the lower court May 15, 2023.
3. Obviously, the lower court has no jurisdiction or power to grant leave to extent the time for filing of an appeal out of time as contemplated in Section 79G of the *Civil Procedure Act*, the proviso thereof.
4. In the premises, I find this appeal incompetent and the same is hereby struck out with no orders as to costs.
5. This file is hereby closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2023**

**R.E. ABURILI**

**JUDGE**

