



Liptons Teas & Infusions Kenya PLC & 2 others v Keter & 48 others (Civil Appeal E1132 & E1130 of 2024 (Consolidated)) [2025] KEHC 1479 (KLR) (Civ) (18 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1479 (KLR)

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

CIVIL

CIVIL APPEAL E1132 & E1130 OF 2024 (CONSOLIDATED)

AC MRIMA, J

FEBRUARY 18, 2025

BETWEEN

LIPTONS TEAS & INFUSIONS KENYA PLC 1ST APPLICANT

**LIPTONS TEAS & INFUSIONS KENYA PLC CENTRAL
HOSPITAL 2ND APPLICANT**

BROWNS INVESTMENT PLC 3RD APPLICANT

AND

SAMMY KIPLANGAT KETER & 48 OTHERS RESPONDENT

RULING

1. This ruling relates to the Appellants/Applicants application by way of a Notice of Motion dated 2nd October 2024. The application sought to stay the proceedings in HAT No. 66/E0022 of 2023 between the parties wherein the Honourable Tribunal dismissed the Applicants' application and the 50th Respondent's preliminary objection challenging the Honourable Tribunal's jurisdiction to the dispute.
2. The application was supported by two Affidavits sworn by the 1st Applicant's General Counsel – Plantations one Jonathan Wangubo on 2nd October 2024 and 26th November 2024 respectively. Written submissions dated 26th November 2024 and a List of Authorities were also filed in further support of the application.
3. The application was also supported by the 50th Respondent herein, Browns Investment PLC, through an Affidavit in support of stay of proceedings sworn by one Simon Hutchinson on 21st January 2025 together with its written submissions dated 22nd January 2025 and an evenly dated List of Authorities.



4. The Respondents vehemently opposed the application through a Replying Affidavit sworn by the 1st Respondent herein, Sammy Kiplangat Keter, on 30th October 2024. Written submissions dated 22nd January 2025 were also filed.
7. This Court has carefully considered the application, the response, the written submissions and the decisions referred to. There is no doubt all parties have well-articulated the legal provisions and the attendant conditions under which the instant application is premised on. Given the nature of the appeal, which is on the jurisdiction of the Hon. Tribunal to the dispute, this Court holds that deliberate effort ought to be taken to determine the main appeal expeditiously so as to accord the way forward on the dispute which has been under litigation since 2023.
8. To that end and in further consideration of the record, this Court hereby makes the following final orders: -
 - a. There shall be a stay of proceedings in HAT No. 66/E0022 of 2023 pending the determination of the appeal.
 - b. The Appellants shall file and serve written submissions to the main appeal within 14 days of today.
 - c. The requirement to file and serve a Record of Appeal is hereby dispensed with.
 - d. Once served, the Respondents shall file and serve their written submissions within 14 days of service.
 - e. The Tribunal file be availed.
 - f. This matter shall be fixed for highlighting of submissions on a date to issue.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 18TH DAY OF FEBRUARY, 2025.

A. C. MRIMA

JUDGE

Ruling No. 1 virtually delivered in the presence of:

Miss. Onyango, Learned Counsel for the 1st & 2nd Applicants/Appellants.

Mr. Sewe, Leaned Counsel for the 3rd Applicant/ Appellant.

Mr. Kiplating, Learned Counsel for the Respondents

Michael – Court Assistant.

