



**Platinum Credit Limited v Nyabuti (Civil Appeal E1105 of 2024)  
[2025] KEHC 4250 (KLR) (Civ) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4250 (KLR)

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

**CIVIL**

**CIVIL APPEAL E1105 OF 2024**

**JN MULWA, J**

**APRIL 3, 2025**

**BETWEEN**

**PLATINUM CREDIT LIMITED ..... APPELLANT**

**AND**

**DAMARIS KEMUNTO NYABUTI ..... RESPONDENT**

**RULING**

1. The Micro and Small Enterprises Tribunal delivered a ruling on 30/08/2024 on a Preliminary Objection raised by the Defendant (the Respondent herein) touching on the Jurisdiction of the tribunal to hearing of the claim serialized as Micro and Small Enterprises Tribunal Claim Number E007 of 2024; Damaris Kemunto Nyabuti vs. Platinum Credit Limited.
2. In its ruling which I have perused, it appears that the dispute involved repossession of a Motor vehicle KDE 691E, the property of the claimant therein Damaris Kemunto, whose purchase price was financed by the Respondent, Platinum Credit Limited, and the question that arose was whether the said Tribunal had jurisdiction over the dispute.
3. Upon hearing the Preliminary Objection, the Tribunal rendered that it had the requisite jurisdiction by dint of Section 55 (2) of the Act, and dismissed the Preliminary Objection. It is this ruling delivered on 30/08/2024 that is subject of the appeal herein.
4. By the Motion before the court dated 24/09/2024 brought under provisions of Order 42 Rule 6 of the Civil Procedure Rules, the Applicant/Appellant sought stay of proceedings before the Tribunal pending hearing and determination of the appeal, arguing that the appeal is arguable as serious issues of Jurisdiction have been raised and further that the same has been brought without delay.



- 5. In Opposing the motion, the Respondent relies on her Replying Affidavit sworn on 4/07/2024 arguing that the Applicant has not raised arguable issues to warrant stay of proceedings that at its paragraph 14 she deposes that the issue of jurisdiction of the Tribunal is key in determining whether the orders of stay sought should be granted or not.
- 6. Without going into the interrogation of the appeal, which is not the issue before this court at this stage, it is important that the Respondent in the averments at paragraph 14 above acknowledge the key issue that the matter of jurisdiction of the Tribunal to entertain the dispute must be determined first.
- 7. In the classic case of Owners of the Motor Vessel “Lilian[1989]KLR the court rendered that:-  

“Jurisdiction is everything without it, a court has no power to make one more step. Where a court has no jurisdiction, there would be no basis for a continuation of proceedings pending other evidence...”
- 8. By the above, and without further elucidation, the Tribunal is barred to take any step towards hearing or continuation of any proceedings before it in respect of the matter before it pending determination by this court on the matter of its jurisdiction over the dispute.
- 9. To that extent therefore the Applicants application dated 24/09/2024 takes the day; it is allowed interms of prayer number 3 that; an order of stay of proceedings in Micro and Small Enterprises Tribunal claim number E007 of 2024 between the parties herein are stayed pending hearing and determination of the appeal herein thus confirming the interim stay orders issued by this court on 13/11/2024. Costs of the motion shall abide outcome of the appeal.
- 10. Further to the above, the Appellant is directed to file the Record of Appeal expeditiously and in any event within 30 days of this ruling. The appeal shall be mentioned before the DR – Appellate Division on 15/05/2025.

Orders accordingly.

**DELIVERED, DATED AND SIGNED IN NAIROBI BEFORE THIS COURT ON 3<sup>RD</sup> APRIL, 2025.**

.....  
**JANET MULWA.**  
**JUDGE**

