



**World Boots Limited v Ngotoku t/a Smartshoe (Civil Appeal
E038 of 2025) [2025] KEHC 5374 (KLR) (23 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5374 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E038 OF 2025
DO CHEPKWONY, J
APRIL 23, 2025**

BETWEEN

WORLD BOOTS LIMITED APPELLANT

AND

GEOFFREY NGOTOKU T/A SMARTSHOE RESPONDENT

*(Being an appeal from the Judgment of the Hon. Adjudicator/Resident
Magistrate J. K. Tawai (Ms.) in Ruiru SCCCOMM No.E480 of 2024
dated 20th September, 2024 delivered on 3rd October, 2024 via CTS)*

RULING

1. The matter is for mention for parties to confirm compliance of directions issued on 21st March, 2025 in respect of the Notice of Motion application dated 14th March, 2025, wherein the Applicant seeks for orders that:-
 - a. Spent.
 - b. This Honourable Court be pleased to set aside the Lower Court Judgment in Ruiru SCCC. No.E480 of 2024 and enter Judgment against the Respondent in the sum of Kenya Shillings One Hundred and Thirty Five Thousand and Ninety Nine and Ninety Nine Cents (Kshs.135,099.00).
 - c. This Honourable Court be pleased to enlarge time for filing of the appeal and grant the Applicant leave to file an appeal against the Lower Court Judgment in Ruiru SCCC. No.E480 of 2024.
 - d. The Memorandum of Appeal attached to this application be deemed to be duly filed and the same to be served upon the Respondent.



- e. The costs of this application be in the cause.
2. The application is premised on the grounds set out on its face and Supporting Affidavit sworn on 14th March, 2025 by C. Wanjiru Kariuki together with the annexures attached thereto.
3. The Respondent has not filed a response to his application but has attended court whereby the purpose of the application has been explained to him.
4. The Appellant's counsel, M/S Wanjiku Kariuki sought leave to have prayer No.(2) of the application abandoned since it had inadvertently included in the prayers before the court and for directions to file submissions. The Respondent indicated that he had no objection to any of the prayers the Applicant was seeking. He stated that what he wanted was to pay the Appellant their money, which he had no problem with. In view of this, the application is unopposed and therefore the same is allowed in the following terms:-
 - a. The Applicant/Appellant be and is hereby granted leave to abandon prayer No.(2) of the application and the same is hereby marked as abandoned.
 - b. The time within which to file an appeal is hereby enlarged and the Applicant/Appellant is granted leave to file an appeal out of time.
 - c. The Draft Memorandum of Appeal attached to the application be and is hereby deemed as duly filed and served upon the Respondent.
 - d. Subsequently, the Appellant is granted leave to file and serve a Record of Appeal within twenty-one (21) days from the date hereof.
 - e. The Deputy Registrar to call for and avail the original Record of Proceedings in Ruiru SCCC. No.E480 of 2024. World Boots Limited –vs- Geoffrey Ngotoki T/A Smartshoe.
 - f. Mention on 27th May, 2025 for parties to confirm compliance and take directions on hearing of the appeal.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 23RD DAY OF APRIL., 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Wanjiku Kariuki counsel for Appellant/Applicant

Respondent in person – present

Court Assistant - Martin

