



Waema v Match Masters Limited (Civil Miscellaneous Application E001 of 2025) [2025] KEHC 4694 (KLR) (10 April 2025) (Ruling)

Neutral citation: [2025] KEHC 4694 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL MISCELLANEOUS APPLICATION E001 OF 2025
DO CHEPKWONY, J
APRIL 10, 2025**

BETWEEN

FELIX MAKAU WAEMA APPLICANT

AND

MATCH MASTERS LIMITED RESPONDENT

RULING

1. The matter is for mention for parties to take directions on the Notice of Motion application dated 9th January, 2025 in which the Applicant seeks for orders that:-
 - a. The Honourable Court be pleased to grant the Applicant leave to file an Appeal out of time against the Judgment of Hon. L. Kwamboka (RM) delivered on 11th September, 2024, in Kikuyu CMCC No.60 of 2018.
 - b. That the costs of the application be provided for.
2. The application is premised on the grounds set out on its face and reiterated in the Supporting Affidavit sworn by D. O. Odhiambo, the Applicants counsel. The gist of it being that the reason for delay in filing the appeal is delay in obtaining the original record of proceedings to enable them prepare for the same. The Appellant believes that he has an arguable appeal with valid and triable issues, which he is ready to prosecute expeditiously. The application was physically served upon the Respondents' counsel on 13th January, 2024. And there is an Affidavit of Service dated 14th January, 2024 filed in court to confirm this.
3. There has been no response filed. Neither the Respondent or its counsel are in attendance and there is no representation to explain their absence.
4. In the circumstances, the application is unchallenged and for this reason, the Notice of Motion application dated 9th January, 2025 be and is hereby allowed.



5. Subsequently, the following orders and or directions issue:
- a. The Applicant/Appellant is granted leave to file an appeal out of time against the Judgment of Hon. L. Kwamboka, (RM) delivered on 11th September, 2024 in Kikuyu, CMCC No.60 of 2024.
 - b. The Draft Memorandum of Appeal annexed to the Supplementary Affidavit is hereby deemed as duly filed and served.
 - c. The Applicant/Appellant to compile, file and serve a Record of Appeal within thirty (30) days from the date hereof.
 - d. The Deputy Registrar to call for and avail the original Record of Proceedings in Kikuyu – CMCC No.60 of 2018, Felix Makau Waema –vs- Match Masters Limited
 - e. Mention on 12th May, 2025 for parties to confirm compliance and take further directions on admission and hearing of the appeal.
 - f. These directions and mention Notice to be served upon the Respondent.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 10TH DAY OF APRIL, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

Omina counsel for Applicant

No appearance for and by Respondent

Court Assistant – Martin

