



Britam General Insurance Company (K) Limited & 13 others v Consumers Federation of Kenya (COFEK) (Sued Through its Officials Namely Stephen Mutoro, Ephraim Kenake and Henry Ochieng) (Civil Case E203 of 2023) [2025] KEHC 10745 (KLR) (Civ) (24 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10745 (KLR)

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

CIVIL

CIVIL CASE E203 OF 2023

NW SIFUNA, J

JULY 24, 2025

BETWEEN

**BRITAM GENERAL INSURANCE COMPANY (K) LIMITED 1ST PLAINTIFF
BRITAM LIFE ASSURANCE COMPANY (K) LTD 2ND PLAINTIFF
CAPEX LIFE ASSURANCE COMPANY LIMITED 3RD PLAINTIFF
CORPORATE INSURANCE COMPANY LIMITED 4TH PLAINTIFF
DIRECTLINE ASSURANCE COMPANY LIMITED 5TH PLAINTIFF
INVESCO ASSURANCE COMPANY LIMITED 6TH PLAINTIFF
KENINDIA ASSURANCE COMPANY LIMITED 7TH PLAINTIFF
KENYA ORIENT INSURANCE LIMITED 8TH PLAINTIFF
THE KENYAN ALLIANCE INSURANCE CO. LTD 9TH PLAINTIFF
MADISON LIFE ASSURANCE KENYA LIMITED 10TH PLAINTIFF
MONARCH INSURANCE COMPANY LIMITED 11TH PLAINTIFF
MUA INSURANCE (KENYA) LIMITED 12TH PLAINTIFF
OCCIDENTAL INSURANCE COMPANY LIMITED 13TH PLAINTIFF
TAKAFUL INSURANCE OF AFRICA LIMITED 14TH PLAINTIFF**

AND

**CONSUMERS FEDERATION OF KENYA (COFEK) (SUED THROUGH ITS
OFFICIALS NAMELY STEPHEN MUTORO, EPHRAIM KENAKE AND HENRY
OCHIENG) DEFENDANT**



RULING

1. This ruling is on the Plaintiffs' Application dated 1st July 2025. The same which has been brought under Order 12 Rule 7 of the Civil Procedure Rules, has sought setting aside of this Court's orders of 24th June 2025.
2. The same dismissed this suit, upon a Notice to Show Cause. The grounds of the Application are on the face of it. The Application was canvassed by way of written submissions. The Defendant has not opposed the Application.
3. Upon considering the Application, I find that it is not only unopposed, but is also meritorious. The need for cases to be determined on their merits, is most fundamental. On an Application for reinstatement of a dismissed suit, even the mere demonstration by the Plaintiff, of interest in prosecuting the suit, is a key consideration. There is also the overriding constitutional imperative to be heard. Which is an imperative.
4. Consequently, the Application is hereby allowed. In terms that this Court's dismissal order of 24th June 2025 is hereby set aside and this suit is reinstated.
5. There shall be no order as to costs.

DATED AND DELIVERED AT NAIROBI ON THIS 24TH DAY OF JULY 2025.

PROF (DR) NIXON SIFUNA

JUDGE

