



REPUBLIC OF KENYA



**KENYA LAW**

THE NATIONAL COUNCIL FOR LAW REPORTING

Where Legal Information is Public Knowledge

**Maxcure Hospital Limited v Okello & another (Civil Appeal  
199 of 2023) [2024] KEHC 3876 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3876 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL 199 OF 2023**

**RE ABURILI, J  
APRIL 19, 2024**

**BETWEEN**

**MAXCURE HOSPITAL LIMITED ..... APPELLANT**

**AND**

**DENNIS ONYANGO OKELLO ..... 1<sup>ST</sup> RESPONDENT**

**ROBERT OWINO ..... 2<sup>ND</sup> RESPONDENT**

*(Being an appeal from the Judgment of Hon. G. C. Serem RM,  
delivered on 25th October 2023 in Kisumu CMCC No. E319 of 2023)*

**RULING**

1. Appeal is summarily rejected as there are no points/issues of law disclosed pursuant to section 38(1) of the *Small Claims Court Act*, 2016 and the Appellant having received judgement in its favour, cannot claim that the Small Claims Court lacked jurisdiction to order for payment by instalments as the appellant could still seek for review as provided for under section 30 of the Act establishing the Small Claims Court.
2. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 19<sup>TH</sup> DAY OF APRIL, 2024**

**R. E. ABURILI**

**JUDGE**

