



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Metha v Sabwa (Civil Appeal E525 of 2024)**  
**[2025] KEHC 13392 (KLR) (Civ) (30 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13392 (KLR)

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

**CIVIL**

**CIVIL APPEAL E525 OF 2024**

**LP KASSAN, J**

**SEPTEMBER 30, 2025**

**BETWEEN**

**PATRICK MICHENI METHA ..... APPELLANT**

**AND**

**BELCHA AGESA SABWA ..... RESPONDENT**

**JUDGMENT**

1. This is an appeal against the decision of the Lower Court which awarded the Claimant some damages. I have looked at the submissions and other relevant documents and wish to note the following;

**Proceedings**

2. On the 3<sup>rd</sup> October 2023, the matter came before the Honourable Magistrate and the Claimant Advocate said and I quote

“... I note that the mention notice was for 2<sup>nd</sup> November”.

3. Despite these revelation, the trial Magistrate proceeded with the matter on the same day and entered Judgement on the 2<sup>nd</sup> November 2023. This clearly is not the correct procedure and a good ground of setting aside the exparte Judgement.

**Security;**

4. Consequently, after Judgement, the Respondent entered into a consent to pay the decree in installment. This was recorded by the Court and the last payment was supposed to be on the 30 May 2024, more than one year ago.



5. In conclusion, I shall set aside the Lower Court Judgement and direct that the matter be heard by a magistrate other than Hon. Nkurrumah. Having agreed to pay in installment leading into a consent that was recorded by the Learned magistrate, the Respondent appeared to have aligned itself with the Lower Court Judgement or admitted liability. By agreeing to pay and failing to do so, the Appellant wasted Courts time and so I direct that the Appellant deposit the decretal amount in Court within 60 days or provide sufficient security within the said period.
6. Orders Accordingly.

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2025**

**L. P. KASSAN**

**JUDGE**

In the presence of:

Kanyoko for Appellant

No appearance for Respondent

Court Assistant – Carol.

