



**Directline Assurance Company Limited v Abuga (Civil Appeal E227 of 2024)
[2025] KEHC 15225 (KLR) (Civ) (23 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 15225 (KLR)

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

CIVIL

CIVIL APPEAL E227 OF 2024

WM MUSYOKA, J

OCTOBER 23, 2025

BETWEEN

DIRECTLINE ASSURANCE COMPANY LIMITED APPELLANT

AND

ATUYA ABUGA RESPONDENT

(Appeal from the ruling and orders of 22nd September 2023, and the judgement and decree of 19th January 2024, by Hon. CA Okumu, Resident Magistrate, RM, and Adjudicator, in Milimani Small Claims Court Case No. 2570 of 2023)

JUDGMENT

1. The suit, at the Small Claims Court, was filed on 7th June 2023. According to section 34(1) of the *Small Claims Court Act*, Cap 10A, Laws of Kenya, the Small Claims Court only exercises jurisdiction for 60 days, from the date of the filing of the claim. In the instant case, the 60 days expired on 7th August 2023.
2. Upon the claim being filed on 7th June 2023, and being served, the appellant herein, who had been named as a respondent, filed a Motion, dated 11th July 2023, seeking the striking out of the pleadings in that case. The trial court delivered a ruling, on 22nd September 2023, dismissing that Motion. A judgement was subsequently delivered, on 19th January 2024, entering judgement in favour of the respondent, for Kshs. 343,900.00.
3. The ruling of 22nd September 2023 and the judgement of 19th January 2024 are what prompted the filing of the instant appeal. Both that ruling and the judgement were delivered by a court whose jurisdiction had expired, on 7th August 2023. The said ruling and the judgement are, therefore, nullities, and are of no effect. Consequently, the appeal herein lacks foundation, and it is, accordingly, struck out.



4. However, the suit at the Small Claims Court is still viable, for it was filed within statutory limitation, and if it was not, then that is an issue that should still be alive, for determination by whichever other court has jurisdiction to dispose of the matter, after the nullification of the judgement of 19th January 2024.
5. As the matter is still live, the way out should be to order, in exercise of the supervisory jurisdiction of the High Court, under Article 165(5) of *the Constitution*, that the suit, at the Small Claims Court, be transferred, under section 18 of the *Civil Procedure Act*, Cap 21, Laws of Kenya, to the Chief Magistrate's Court, at Milimani Commercial Courts, at Nairobi, for hearing and final disposal. Orders accordingly.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 23RD DAY OF OCTOBER 2025.

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant, Busia.

Mr. Michael Onyango, Court Assistant, Milimani, Nairobi.

Advocates

Ms. Kahiti, instructed by COOTOW & Associates, Advocates for the appellant.

Mr. Wabwile, instructed by Blayer & Company, Advocates for the respondent.

