

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPEAL NO. E718 OF 2023

SHADES OF AFRICA TRAVEL LTD.....
...APPELLANT

VERSUS

MAUREEN CHEPNGETICH BETT.....
...RESPONDENT

**(Appeal from the ruling and orders, of Hon. VM Mochache,
Adjudicator, of 14th July 2023, in Nairobi SCCC No. E125 of
2023)**

JUDGEMENT

1. The claim, at the Small Claims Court, was initiated on 25th January 2023. Judgment was delivered on 14th July 2023.
2. Under section 34(1) of the Small Claims Court Act, Cap 10A, Laws of Kenya, the jurisdiction of the Small Claims Court is limited to 60 days. The countdown, to the 60 days, began on 25th January 2023, and ended on 25th March 2023. The Small Claims Court lost jurisdiction on 25th March 2023. There was no jurisdiction, therefore, on 14th July 2023, for the Small Claims Court to deliver the judgement that it purported to deliver on that date.
3. The said judgement was null and void for lack of jurisdiction. The appeal herein is valid, as it challenges the jurisdiction of the Small Claims Court, by dint of section 34(1) of the Small Claims Court Act, to entertain the suit, the subject of the appeal, after the 60 days ended. I agree with the appellant, the Adjudicator had no jurisdiction, whatsoever, on 14th July 2023, to determine the matter before her. The appeal is merited, on the matter of jurisdiction, and it is hereby allowed. The judgement of 14th July 2023 is hereby nullified

and quashed. The appellant shall have the costs of the appeal.

4. As the said judgement was a nullity, the suit is still viable. What was lost was the jurisdiction of the Small Claims Court to determine it. the suit itself, so long as it was filed within the applicable limitation period, remained valid and competent, and available or determination by the other courts with civil jurisdiction over it, like the Magistrate's Court and the High Court.
5. Consequently, I, in exercise of the supervisory jurisdiction, vested in the High Court, by Article 165(5) of the Constitution, do hereby order transfer of the suit in Nairobi SCCC No. E125 of 2023, from the Nairobi Small Claims Court, to the Chief Magistrate's Court, at Milimani Commercial Courts, for hearing and final determination. 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.

Ms. Carolyn Oyuse, Court Assistant, Milimani, Nairobi.

Advocates

**Ms. Muthoni, instructed by Patricks Law Associates,
Advocates for the appellant.**

**Ms. Mwanzia, instructed by G&G Advocates LLP, Advocates
for the respondent.**

