



Paleah Stores Limited & another v Africa Fleet Management Solutions Limited (Civil Appeal E124 of 2025) [2025] KEHC 17972 (KLR) (Civ) (2 December 2025) (Ruling)

Neutral citation: [2025] KEHC 17972 (KLR)

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

**CIVIL
CIVIL APPEAL E124 OF 2025**

**LP KASSAN, J
DECEMBER 2, 2025**

BETWEEN

PALEAH STORES LIMITED 1ST APPLICANT

NEW PALEAH WHOLESALE LIMITED 2ND APPLICANT

AND

AFRICA FLEET MANAGEMENT SOLUTIONS LIMITED RESPONDENT

RULING

1. This is an Application to stay proceedings and delivery of a Judgement before the lower Court basically because the Lower Court struck out the Appellants notice of Appointment and entered a default Judgement.
2. The Applicant Could not obtain the certified copy of the order because the file was in the Adjudicator's Chambers for writing of Judgement.
3. This Application is opposed and I will go straight to the point. First, the right of Appeal is Constitutional. Secondly, this Court needs to look at the circumstances leading to the striking out of a notice of appointment and entering of a default Judgement - and this can only be done if the subject matter is preserved (Lower Court expected judgement). If this Court fails to grant the orders being sort, this appeal will be rendered nugatory.
4. I find that the Motion dated the 11th day of February 2025 is merited. The Application is allowed. Each party shall bear own costs

DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 2ND DAY OF DECEMBER 2025.

HON L P KASSAN



JUDGE

In the presence of;

Ngumbo holding brief Ataka for Applicant

Mmanyala for Respondent

Carol – Court Assistant

Mention 19/2/2026.

HON L P KASSAN

JUDGE

