

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPEAL NO. E1175 OF 2023

WILSON KAIRUTHI WAWERU.....

APPELLANT

VERSUS

GLOBAL SNIPPERS SERVICES LIMITED.....1ST

RESPONDENT

NATHAN KIPLIMO CHELIMO.....2ND

RESPONDENT

(Appeal from the judgement and decree, of Hon. CA Okumu, Resident Magistrate/Adjudicator, of 3rd November 2023, in Milimani SCCC No. E1205 of 2023)

JUDGEMENT

1. The claim, at the trial court, was by the appellant herein, against the respondents, with respect to compensation, arising from personal injuries, sustained in a motor traffic accident. The respondents filed a response to the claim, principally denying it, but, in the alternative, conceding that the accident happened, and compensation was paid.
2. The matter was disposed of, in terms of section 30 of the Small Claims Court Act, Cap 10A, Laws of Kenya, by documents only. Judgement was delivered, on 3rd November 2023, dismissing the claim.
3. The appellant was aggrieved, hence the appeal. The principal ground being that the trial court erred in finding that compensation was paid.
4. The appeal herein attacks the judgement of the trial court on the merits. Yet, it would appear, the judgement of 3rd November 2023 was a nullity, for it was delivered by a court bereft of jurisdiction. Under section 34(1) of the Small Claims Court Act, the jurisdiction of an adjudicator is limited to 60 days. A determination, outside the 60 days, would be invalid. Such a determination would not provide basis for a challenge on appeal, on merits. The appeal, herein, therefore, has no foundation.

5. As the determination was a nullity, the proceedings, leading up to it, have to be invalidated. The Magistrate Court has jurisdiction over the matter, given that it was filed within the applicable limitation period, and it is within its pecuniary jurisdiction.
6. To do justice to the parties, and in exercise of the supervisory jurisdiction vested in the High Court, by Article 165(6)(7) of the Constitution, I hereby direct that the claim, in the Small Claims Court, being Nairobi SCCCOMM No. E1205 of 2023, be transferred, out of the Small Claims Court, to the Magistrate Court, at the Milimani Commercial Courts, for hearing and disposal. To facilitate that, I hereby invalidate the proceedings, conducted by the Small Claims Court, which culminated in the determination of 3rd November 2023. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT
BUSIA, ON THIS 4TH DAY OF DECEMBER 2025.**

**WM MUSYOKA
JUDGE**

Mr. Arthur Etyang, Court Assistant, Busia.

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

Advocates

Ms. Kanyi, instructed by Kulecho Musomba & Company, Advocates for the appellant.

Mr. Owuocha, instructed by Owuocha & Associates, Advocates for the respondents.