



**Betacare Hospital v Kwamboka (Civil Appeal E045 of 2025)
[2026] KEHC 365 (KLR) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 365 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E045 OF 2025
DO CHEPKWONY, J
JANUARY 22, 2026**

BETWEEN

BETACARE HOSPITAL APPLICANT

AND

ALICE KWAMBOKA RESPONDENT

(Being an Appeal against the Judgment and Decree of the Principal Magistrate's Court at Githunguri in Civil Suit No.E008 of 2024 delivered on 6th March, 2025 by Hon. P. Muboli (PM))

RULING

1. Vide a Ruling delivered by this Court on 14th November, 2025, the Appellant was directed to file and serve a Record of Appeal within twenty-one (21) days. The matter was then fixed for mention on 21st January, 2026. On this day, only counsel for the Respondent was present and he informed the court that the Appellant was yet to file and serve the Record of Appeal as directed and the timeline within which he was to do so had lapsed on 17th January, 2026. He then urged the court to dismiss the appeal.
2. Having heard the counsel for the Respondent, to determine his prayer, the court has gone through its proceedings of 14th November, 2025 and checked the Court Tracking System and confirm that indeed the Appellant was directed to file a Record of Appeal within twenty-one (21) days, which period lapsed on 17th January, 2026 and the Appellant filed the Record of Appeal on 20th January, 2026, which is three days after the stipulated timelines. The Court finds that a delay of three (3) days is not so inordinate as to cause any prejudice to the other party. Therefore in exercise of its discretion and in consideration of the interest of justice, the Court proceeds to order and direct that:-
 - a. The request by the Respondent's counsel for the Appeal to be dismissed is declined.
 - b. The Appeal is admitted for hearing.
 - c. The application to be canvassed by way of written submissions.



- d. The Appellant to file and serve written submissions within thirty (30) days from the date hereof.
- e. The Respondent to file and serve written submissions within thirty (30) days upon service of the Appellant's submissions.
- f. Mention on 25th March, 2026 to confirm compliance and further directions before the Deputy Registrar.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 22ND DAY OF JANUARY , 2026.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Gatuto counsel for the Respondent

Court Assistant - Sakina

