



**Kenplastic Limited v Big Five Hardware EA Limited (Civil Appeal  
E022 of 2025) [2026] KEHC 444 (KLR) (Civ) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 444 (KLR)

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

**CIVIL  
CIVIL APPEAL E022 OF 2025**

**LP KASSAN, J  
JANUARY 22, 2026**

**BETWEEN**

**KENPLASTIC LIMITED ..... APPELLANT**

**AND**

**BIG FIVE HARDWARE EA LIMITED ..... RESPONDENT**

**RULING**

1. Before me is an application to stay taxation proceedings and implementation of the Tribunal's Judgment delivered on the 26th March 2025. Courts have in many instances refrained from halting active Judicial processes in order to save on time. This matter was heard interpartes and a decision was rendered. Taxation was commenced at the lower Court and this appeal seeks to halt it. The main reason is that the Appellant will suffer irreparable damage if the process of taxation is allowed to continue. I have read the decision of the tribunal in detail. The onus of prove that the Respondent would not be able to compensate the Appellant in case of a successful am Appeal lays on the Appellant. This duty has not been fully discharged.
2. There are orders issued by the tribunal giving the Respondent a right to trade and if these rights are restricted or deprived, the respondent would automatically loose business. This Court must balance the Appellant right of Appeal vis a vis the rights granted to the Respondent to trade. The Appellant lost the case at the lower Court and wishes to get back the rights it possessed before Judgement. The matter having been determined interpartes, I shall maintain the status quo pending appeal.
3. The conclusion is that the Application is dismissed with costs.

**DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 22<sup>ND</sup> DAY OF JANUARY 2026.**

**HON L P KASSAN**



## **JUDGE**

In the presence of;

Kiarie for Applicant

Kimani for Respondent

Carol – Court Assistant

