



**Monarch Insurance Company Limited v Naibai (Civil Appeal E408 of 2025) [2026] KEHC 443 (KLR) (Civ) (26 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 443 (KLR)

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

**CIVIL**

**CIVIL APPEAL E408 OF 2025**

**LP KASSAN, J**

**JANUARY 26, 2026**

**BETWEEN**

**MONARCH INSURANCE COMPANY LIMITED ..... APPLICANT**

**AND**

**JOAN NATALIA NAIBAI ..... RESPONDENT**

**RULING**

1. Before me is an application dated the 4th day of April 2025 seeking for enlargement of time to file Appeal and stay of execution. The period that constitutes failure to file appeal is around Six months and the main reason is that the Appellant was not aware if the lower Court Judgement which was exparte. In setting aside an exparte Judgement the key issue that this Court must look at is proper service. I have seen a letter addressed to the Appellant dated the 21st day of November 2024 that notified the Respondent about the Judgement which was entered. This letter has not been stamped to signify receipt by the Appellant. There is also an e mail dated the 21<sup>st</sup> say of November 2024 that forwarded the said letter. This e mail was not contested by the Appellant but however it cannot be regarded as "full service" especially where there was an entry of an exparte Judgement. The Court must look at the nature of the matter and the weight of e mail service vis a vis an exparte Judgement. The Court must also look at any prejudice that may affect any of the parties in order to make a just determination and if it can be remedied by costs. In this case, costs can effectively compensate the parties. On the issue time, there are already orders of depositing the security which shall attract interest. In as much as the delay is large, I am inclined to enlarge time to appeal for the sake of Justice. On the issue of stay of execution, I note that there are several consents on the deposit of decretal amount which I will not interfere with. I therefore direct that the parties implement the consent especially the one dated the 7th day of January 2025.
2. The conclusion is that the only prayer granted is to appeal out of time. The Appellant shall pay costs



**DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 26<sup>TH</sup> DAY OF JANUARY 2026.**

**HON L P KASSAN**

**JUDGE**

In the presence of;

Kavogali for Applicant

Kipngeno holding brief Mandela for Respondent

Carol – Court Assistant

