



**Imran v Eedi Kenya Limited (Civil Application E005 of 2026)  
[2026] KECA 208 (KLR) (5 February 2026) (Ruling)**

Neutral citation: [2026] KECA 208 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CIVIL APPLICATION E005 OF 2026  
LK KIMARU, JA  
FEBRUARY 5, 2026**

**BETWEEN**

**REHEMA ALI IMRAN ..... APPLICANT**

**AND**

**EEDI KENYA LIMITED ..... RESPONDENT**

*(Being an application for extension of time to lodge the notice of appeal out of time from the Judgment of the Employment and Labour Relations Court of Kenya at Kisii (Makau, J) dated 15th October, 2024 in ELRC No.13 of 2024)*

**RULING**

1. Rehema Ali Imran, the applicant herein, was aggrieved by the Judgment rendered by the Employment and Labour Relations Court (ELRC), Kisii on 15<sup>th</sup> October, 2024. The applicant desires to appeal against the said decision to this Court. She has moved this Court by notice of motion substantially under Rule 4 of the Court of Appeal Rules seeking to be granted extension of time to appeal out of time. The applicant explained the reason for the delay in filing the appeal in time to be on account of delay it took for her to be supplied by the trial Court with the typed copies of proceedings and Judgment for the appeal purposes. She urged the Court to exercise its discretion in her favour so as to give her a chance to exercise her right of appeal to this Court. She states that she has an arguable appeal that will likely succeed. The respondent will not suffer prejudice. The application is supported by the annexed affidavit of applicant.
2. The application is opposed. Vincent Makhokha, the Human Resource Manager of the respondent swore a replying affidavit in opposition to the application. He deponed that the applicant had not given any cogent or convincing reasons for her failure to lodge the notice of appeal in time. He pointed out that the filing of the notice of appeal is not dependent on availability of typed copies of the proceedings and Judgment. The respondent observed that the period of delay was inordinate and inexcusable. The respondent had already settled the decretal sum ordered by the Court and therefore it would serve no



useful purpose for this Court to grant the order craved for by the applicant in the application. The respondent urged the Court to dismiss the application as it lacked merit.

3. This Court has carefully considered the application, the replying affidavit and the written submissions filed by the parties. This Court's jurisdiction when considering any application under Rule 4 of the Court of Appeal Rules is an exercise of judicial discretion. In the exercise of this discretion, the Court is required to consider, inter alia, the following: the period of delay, the reason for the delay, whether the intended appeal will be successful and if the respondent will suffer prejudice if the application is granted. (See Paul Musili Wambua v. Attorney General & 2 others [2015] eKLR.)
4. In the present application, the applicant explained the reason for delay to be failure by the trial Court to avail her typed copies of the proceedings and Judgment for the purposes of lodging the appeal. The respondent was not convinced by this reason. It took the applicant fifteen (15) months before filing the present application. This Court agrees with the respondent that indeed the reason given by the applicant for delay in lodging the notice of appeal in time is inexcusable. There is no requirement or need for certified copies of the proceedings and Judgment to be supplied to an intended appellant before notice of appeal can be filed. The applicant did not explain why it took her over a year before she filed the present application for extension of time. That period of delay is inordinate. The decretal sum as ordered by the ELRC has already been settled. The intended appeal may not likely succeed due to acceptance by the applicant of the settlement of the decretal sum.
5. In the premises therefore, this Court declines to exercise its discretion in favour of the applicant. The application lacks merit. It is hereby dismissed with costs to the respondent.

**DATED AND DELIVERED AT KISUMU THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**L. KIMARU**

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**JUDGE OF APPEAL**

I certify that this is a true copy of original.

Signed

**DEPUTY REGISTRAR**

