

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA NAIROBI
CIVIL APPELLATE DIVISION
HCCA E185 OF 2024

ZENI MOTORS LIMITED.....1ST
APPELLANT

BETH WAKARIMA2ND
APPELLANT

VERSUS

KEITH OBUYA OOKO.....
RESPONDENT

RULING

1. This is an application to reinstate an appeal which was dismissed on the 27th day of January 2025 for the main reason that the proceedings had not been typed. There are also other prayers for stay of execution. The appeal was around one-year-old when a notice to show cause was taken out prompting its dismissal when the Appellant did not come to Court. I have read the file and taken into account the submissions on record and wish to note the following;
2. This application was filed two months after dismissal and the reason given was that the Appellant was facing financial problems. This period does not constitute inordinate delay.

3. The Appellant had deposited security meaning that it was serious in prosecuting the appeal.
4. Typing of proceedings is the mandate of the judiciary and the Appellant cannot have control of it.

Conclusion.

5. For the sake of justice this application is allowed in terms of reinstating the Appeal. I shall maintain the status quo pending the determination of this Appeal. The Appellant shall pay costs

**DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 26TH
DAY OF FEBRUARY 2026.**

HON L P KASSAN

JUDGE

In the presence of;

Morara for Appellant

Kagunda for Respondent

Carol - Court Assistant