



Sanlam Insurance Limited (Formerly known as Pan Africa Insurance Ltd) & another v Were & another (Civil Appeal (Application) E539 of 2025) [2026] KECA 370 (KLR) (27 February 2026) (Ruling)

Neutral citation: [2026] KECA 370 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E539 OF 2025
J MOHAMMED, JA
FEBRUARY 27, 2026**

BETWEEN

SANLAM INSURANCE LIMITED (FORMERLY KNOWN AS PAN AFRICA INSURANCE LTD) 1ST APPLICANT

SANLAM KENYA PLC 2ND APPLICANT

AND

LINDA WERE 1ST RESPONDENT

STANBIC BANK KENYA LIMITED 2ND RESPONDENT

(Being an application for extension of time to lodge and serve the Record of Appeal out of time from the Judgment and Order of the Employment and Labour Relations Court at Nairobi (B. Ongaya J.) dated 28th June 2024 in ELRC Cause No. E248 of 2020)

RULING

1. By a Notice of Motion dated 12th August 2025 expressed to be brought under Sections 3A and 3B of the *Appellate Jurisdiction Act* and Rule 4 of the Court of Appeal Rules, 2022, Sanlam Insurance Limited (Formerly known as Pan Africa Insurance Ltd) Sanlam Kenya PLC (the applicants) seek extension of time to lodge and serve their Record of Appeal and that the Record dated 10th July 2025 and lodged on 15th July 2025 be deemed as properly filed. Linda Were and Stanbic Bank Kenya Limited are the respondents herein.
2. The delay of three (3) days is attributed to intermittent outages of the Judiciary electronic filing system between 10th and 12th July 2025, which impeded timely uploading of the Record within time. The respondent did not file any response or written submissions opposing the application.



3. Rule 4 of this Court's Rules vests in this Court wide and unfettered discretion to extend time, which discretion must be exercised judiciously.
4. In *Nicholas Kiptoo Arap Korir Salat v Independent Electoral and Boundaries Commission & 7 Others* [2014] eKLR, the Supreme Court set out the guiding principles for extension of time, including length of delay, reason for delay, prejudice to the respondent, and whether the application has been brought without undue delay.
5. Similarly, in *County Executive of Kisumu v County Government of Kisumu & 8 Others* [2017] eKLR, the Supreme Court reaffirmed that extension of time is an equitable remedy to be granted on a case-by-case basis.
6. This Court in *Leo Sila Mutiso v Hellen Wangari Mwangi* [1999] 2 EA 231) and *Stanley Kang'ethe Kinyanjui v Tony Ketter & 5 Others* [2013] eKLR has emphasized the importance of considering length of delay, reason for delay, arguability of appeal, and prejudice.
7. The delay herein is three (3) days. In the circumstances of this case, I find that such delay is minimal and cannot be considered inordinate.
8. The explanation offered relates to system outage affecting the Judiciary e-filing platform. The applicants demonstrated diligence by completing preparation of the Record within time and attempting to upload it promptly.
9. There is no material to suggest that the intended appeal is frivolous.
10. The application is unopposed. No prejudice has been demonstrated that cannot be compensated by costs.
11. Considering the minimal delay, the satisfactory explanation, absence of prejudice, and the overriding objective under Sections 3A and 3B of the *Appellate Jurisdiction Act*, this Court is satisfied that the applicants have laid a proper basis for the exercise of discretion.
12. Accordingly, I direct that:
 - a. Time is hereby extended for the applicants to lodge and serve the Record of Appeal.
 - b. The Record of Appeal dated 10th July 2025 and lodged on 15th July 2025 is deemed as duly filed and properly on record.
 - c. Counsel for the applicant to serve the record of appeal on the respondents' counsel within seven (7) days from the date of this ruling.
 - d. The costs of this application shall abide the outcome of the appeal.

DATED AND DELIVERED AT NAIROBI THIS 27TH DAY OF FEBRUARY, 2026

JAMILA MOHAMMED

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

