



**Odhiambo v Lonza Capital Limited (Civil Appeal E054 of 2025)  
[2026] KEHC 2450 (KLR) (26 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2450 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CIVIL APPEAL E054 OF 2025  
JK SERGON, J  
FEBRUARY 26, 2026**

**BETWEEN**

**OMANYA DICKSON ODHIAMBO ..... APPELLANT**

**AND**

**LONZA CAPITAL LIMITED ..... RESPONDENT**

**RULING**

1. On 3<sup>rd</sup> December, 2025, this Court made an order withdrawing and transferring this appeal from Kericho High Court to Nakuru High Court for hearing and determination.
2. The Appellant being aggrieved by the order of transfer, filed the motion dated 5<sup>th</sup> February, 2026 whereof he beseeched this Court to review and set aside the decision made on 3<sup>rd</sup> December, 2026. The Applicant filed an Affidavit she swore in support of the motion. The application appeared *ex parte* in nature.
3. I have considered the grounds stated on the application and the facts deponed in Supporting Affidavit. The main argument put forward in support of the application is that there is an error apparent on record in that the Advocate who drafted the instant appeal erroneously indicated that this Appeal seeks to upset the decision made in Nakuru Small Claims Court being Nakuru S.C.C. No.E278 of 2024 instead of Kericho S.C.C. No.E278 of 2024.
4. It is the Applicant's submission that his Advocate made a genuine typographical mistake indicating that the matter appealed against emanated from Nakuru instead of Kericho.
5. I have perused the motion dated 8/8/2025 and it is clear that in prayers 2, and 4, that the Applicant's Advocate indicated that the Small Claims claim was before the Small Claims Court, Nakuru. I am convinced that this was a genuine misstate which occasionally arises. This Court is convinced that there is need to correct the error.



6. In the end, the application dated 5<sup>th</sup> January, 2026 is allowed. Consequently, the order transferring this Appeal from Kericho High Court to Nakuru High Court is reviewed and set aside. The appeal is to be heard in Kericho High Court.
7. The Motion dated 8<sup>th</sup> August, 2025 should be amended so that the Nakuru High Court is deleted and in its place it is substituted by Kericho High Court.
8. Mention on 23/4/2026 for further orders and directions.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2026.**

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**J. K. SERGON**

**JUDGE**

In the Presence of:-

C/Assistant – Rutoh

Gichuki for the Applicant

Kiletyen for the Respondent

