



**Oluoch t/a Trapezoid Constructors v Equity Bank Limited (Civil Suit
2 of 2021) [2026] KEHC 2403 (KLR) (19 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2403 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CIVIL SUIT 2 OF 2021
JK SERGON, J
FEBRUARY 19, 2026**

BETWEEN

JOHN O OLUOCH T/A TRAPEZOID CONSTRUCTORS APPLICANT

AND

EQUITY BANK LIMITED RESPONDENT

RULING

1. The Applicant moved this Court by way of Notice of Motion dated 4th August 2025, brought under Sections 1A, 1B, 3A and 80 of the *Civil Procedure Act*, and Order 45 Rule 1, Order 49 and Order 51 Rule 1 of the Civil Procedure Rules, seeking to set aside the ruling of the Deputy Registrar delivered on 9th July 2025 and to reinstate the application dated 2nd June 2025 for hearing on merit.
2. The application was premised on the ground that the Deputy Registrar lacked jurisdiction to strike out the Applicant's application for stay of execution, contending that such jurisdiction lies with a Judge of the High Court.
3. The Respondent was duly served but did not file any response to the application.
4. Upon careful consideration of the record and the applicable law, it is clear that the Deputy Registrar rightly upheld the preliminary objection. In so doing, she correctly found that she did not have jurisdiction to hear and determine the application dated 2nd June 2025. Having reached that conclusion, she simply downed her tools, leaving the said application undetermined. The Applicant appears not to have comprehended the Ruling of the Deputy Registrar and has now sought to challenge it through the present motion.
5. Jurisdiction is everything, and without it, a court must down its tools as stated in *Owners of the Motor Vessel "Lillian S" v Caltex Oil (Kenya) Ltd* [1989] KLR 1. In the circumstances of this case, the Deputy Registrar acted within her mandate in upholding the preliminary objection. The Applicant's attempt to set aside that ruling is therefore untenable.



6. Moreover, under Order 45 Rule 1 of the Civil Procedure Rules, the Court's jurisdiction to review is confined to correcting errors apparent on the face of the record or orders made without jurisdiction. The Applicant has not demonstrated any such error, nor has he shown that the Deputy Registrar acted outside her lawful authority.
7. Consequently, I find that the Notice of Motion dated 4th August 2025 is without merit. The same is dismissed. Each party shall bear their own costs.
8. The application dated 6th June 2025 is fixed for interpartes hearing on 22nd April 2026.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 19TH DAY OF FEBRUARY, 2026.

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J. K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Miss Akara holding brief for Wakwaya for Applicant

