



REPUBLIC OF KENYA



KENYA LAW
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**SBM Bank (Kenya) Limited v Afrasia Bank Limited (Civil Application
E170 of 2025) [2025] KECA 1046 (KLR) (9 June 2025) (Ruling)**

Neutral citation: [2025] KECA 1046 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E170 OF 2025
W KARANJA, JA
JUNE 9, 2025**

BETWEEN

SBM BANK (KENYA) LIMITED APPLICANT

AND

AFRASIA BANK LIMITED RESPONDENT

(Being an application extension of time to file a notice of appeal and apply for leave to appeal from, as well as leave to appeal pending the hearing and determination of the intended appeal from the judgment and decree of the High Court of Kenya at Nairobi (W. Okwany, J.) dated on 21st July 2022 in Misc. Appl. No. E386 of 2021)

RULING

1. I have considered the Notice of Motion dated 12th March 2025.
The applicant seeks *inter-alia*, leave to file the appeal from the judgment of Wilfrida Okwany, J. dated 21st July 2024 out of time. The applicant also seeks extension of time within which it may apply for leave to file the appeal against the said judgment. Prayers (vi) seeks an order that upon extension of time to file an application for leave being granted, the leave sought be granted.
2. I have noted the contents of the replying affidavit, and I am in agreement that this Court lacks jurisdiction to entertain some of the prayers sought.
3. Leave to appeal is a preserve of a full bench, while on the other hand extension of time falls within the jurisdiction of a single Judge under Rule 4 of this [Court's Rules](#).
4. This is an omnibus application which is irredeemably defective.
The same is struck out with costs to the respondent.

DATED AND DELIVERED AT NAIROBI THIS 9TH DAY OF JUNE 2025.



W. KARANJA

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed Deputy Registrar

