



**Rentworks East Africa Limited v Simon (Civil Application  
E027 of 2024) [2024] KECA 1040 (KLR) (26 July 2024) (Ruling)**

Neutral citation: [2024] KECA 1040 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CIVIL APPLICATION E027 OF 2024  
W KARANJA, LK KIMARU & AO MUCHELULE, JJA  
JULY 26, 2024**

**BETWEEN**

**RENTWORKS EAST AFRICA LIMITED ..... APPLICANT**

**AND**

**JENIFFER KINYA SIMON ..... RESPONDENT**

*(Being an application to strike out the notice of appeal dated 28th February, 2024)*

**RULING**

1. The applicant, Rentworks East Africa Limited filed an application seeking the striking out of the notice of appeal dated 28<sup>th</sup> February 2024 in Chuka High Court, Civil Appeal No. E010 of 2020. It is the applicant's contention that following the delivery of the judgment by the High Court on 10<sup>th</sup> August 2023, the respondent filed the notice of appeal seeking to challenge the decision on 29<sup>th</sup> February 2024. According to the applicant, the said notice of appeal was filed beyond the period of fourteen (14) days provided by this Court's Rules, and no leave of the Court was sought or granted. Therefore, that the notice was incompetent and ought to be struck out. The application is supported by the annexed affidavit of Jennipher Catherine Ombonya, the advocate for the applicant.
2. The application is unopposed. The respondent was duly served.  
She neither filed a replying affidavit, nor, on the hearing date, file written submissions in opposition to the application.
3. Rule 77 (2) of the *Court of Appeal Rules* 2022 requires any party intending to lodge an appeal against the decision of a superior court to do so within fourteen (14) days of the date of delivery of the decision that is sought to be appealed. In the present application, the applicant states that the judgment that is the subject of the notice of appeal was rendered on 10<sup>th</sup> August 2023. The notice of appeal was therefore required to be filed within fourteen (14) days of the said decision. The respondent filed the notice of



appeal on 29<sup>th</sup> February 2024. This notice was clearly filed beyond the fourteen (14) days stipulated by the Rules. The respondent should have sought the leave of this Court under Rule 4 of this Court's Rules before she filed the said notice of appeal out of time.

4. Rule 86 (b) of the *Court of Appeal Rules* 2022, grants this Court jurisdiction to strike out any pleadings that have been filed outside the period stipulated by the Rules of this Court without the leave of the court. The notice of appeal filed herein is amenable to striking out. It is hereby struck out with costs to the applicant.

**DATED AND DELIVERED AT NYERI THIS 26<sup>TH</sup> DAY OF JULY, 2024.**

**W. KARANJA**

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**JUDGE OF APPEAL**

**L. KIMARU**

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**JUDGE OF APPEAL**

**A. O. MUCHELULE**

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**JUDGE OF APPEAL**

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

Signed

**DEPUTY REGISTRAR**

