



Donnie & another v Alusa (suing as legal representative of the estate of Pamela Vomoji Ishuga (deceased)) (Civil Appeal E10 of 2020) [2023] KEHC 3480 (KLR) (28 April 2023) (Ruling)

Neutral citation: [2023] KEHC 3480 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CIVIL APPEAL E10 OF 2020
WM MUSYOKA, J
APRIL 28, 2023**

BETWEEN

SHITEMI SHIKUKU DONNIE 1ST APPELLANT

NAHASHON TINDI MUSOTSI 2ND APPELLANT

AND

WILFRED ALUSA RESPONDENT

**SUING AS LEGAL REPRESENTATIVE OF THE ESTATE OF PAMELA VOMOJI
ISHUGA (DECEASED)**

*(Appeal from judgment and decree of Hon. Hazel Wandere, Principal Magistrate,
PM, in Kakamega CMCCC No. 226 of 2017, of 23rd September 2020)*

RULING

1. The record of appeal is incomplete, as it omits the oral evidence that was recorded on May 21, 2019, from the respondent, appearing at pages 5, 6, 7, 8 and 9 of the original (handwritten) trial court records. I am unable to read the handwritten notes made by Hon Wandere, PM.
2. Let the appellants file a complete record of appeal. Judgment shall thereafter be done by my successors at Kakamega.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 28TH .DAY OF
APRIL 2023**

W MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.

Appearances



Mr. Atudo, instructed by Mbugwa, Atudo & Macharia, Advocates, for the appellants.

Mrs. Muleshe, instructed by Phoebe Munihi Muleshe & Company, Advocates, for the respondent.

