



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**MISCELLANEOUS CIVIL APPLICATION NO. 151 OF 2019**

**MARY AKOMBA ASIEBELA.....APPLICANT**

**VERSUS**

**ELIZABETH MUJISA VIGATSI..... RESPONDENT**

**RULING**

1. The application for determination is the Motion, dated 27<sup>th</sup> February 2020. It is a straightforward application for reconstruction of the court file in Kakamega HCCC 132 of 1998(OS).
2. I do not quite understand why the application for reconstruction of the court in Kakamega HCCC 132 of 1998(OS) had to be brought through a miscellaneous file, instead of being lodged in the file in Kakamega HCCC 132 of 1998(OS).
3. The usual practice, in cases of this nature, is that the registry opens a skeleton file in the cause, in this case in Kakamega HCCC 132 of 1998(OS), and then the application for reconstruction is made in the skeleton or temporary file.
4. Be that as it may. It would cause no harm at all to grant the orders sought in the miscellaneous file. Reconstruction of a trial court file is a straightforward matter that none of the parties should object to.
5. The final order is that the Motion dated 27<sup>th</sup> February 2020 is allowed as prayed.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 22<sup>ND</sup> DAY OF JANUARY, 2021**

**W MUSYOKA**

**JUDGE**