

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

CIVIL APPEAL NO. 169 OF 2018

MARTIN OTIENO

KENYA REVENUE AUTHORITY.....APPELLANTS

-VERSUS-

THOMAS MWITA MARWA.....RESPONDENT

ORDER

1. A Memorandum of Appeal herein was filed by the Appellants after the trial court rendered its final decision on 25/10/2018. The Appellants then filed of an application on 19/02/2019 by way of a Notice of Motion evenly dated *inter alia* seeking orders to stay the payment of Kshs. 2,500,000/=.

2. When the application came up for hearing on 08/03/2019 parties with the concurrence of the Court agreed to compromise the application and instead deal with the main appeal. Appropriate directions were given to that end and parties duly complied with including filing of respective written submissions and the matter was set for judgment.

3. As I retired to write the judgment herein, I realized that the lower court file had not been availed before this Court and that the judgment which was included in the Record of Appeal was incomplete. I therefore could not do the decision and it is on the basis thereof that the following orders do hereby issue: -

(a) The judgment in this appeal is hereby deferred pending further orders.

(b) The Deputy Registrar shall call for the lower court file and place it before Court.

(c) This matter shall be fixed for Mention on 08/07/2019 to ascertain the position and for further orders.

Orders accordingly.

DELIVERED, DATED and SIGNED at MIGORI this 30th day of May 2019.

A. C. MRIMA

JUDGE