

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 446 OF 2012

CAROLINE WAITHIRA KAGOAPPELLANT

VERSUS

STEPHEN MUIRURI NJAU & ANOTHERRESPONDENT

DIRECTIONS

This appeal was to come for judgment today. Having been put off on 26th May, 2016 due to unavoidable circumstances. However in the process of preparing the judgment I noticed that the judgment of the lower court contained in the record of appeal and in particular page 82 does not refer to the appellant herein Caroline Waithera Kago but one Martha Mwihaki Wanjugu. It also refers to case No. 16 of 2010 while this appeal relates to case No. 19 of 2010.

It is clear therefore that the record of appeal contains a material error in the form of a wrong judgment where in fact the plaintiff in that case was awarded damages contrary to the appellant herein whose case had been dismissed.

That being the case, I now give directions that a supplementary record of appeal shall be prepared and filed within 30 days to include the correct judgment of the lower court. Thereafter the appeal shall be listed for hearing. In default of the above direction the appeal shall stand dismissed without reference to the appellant.

Orders accordingly.

Dated, signed and delivered at Nairobi this 16th Day of June, 2016.

A. MBOGHOLI MSAGHA

JUDGE