

contained in the particulars of negligence were therefore not supported by evidence. Infact, the evidence of the 2nd Respondent tendered through its Senior foreman/supervisor Lawrence Obura (DW1) was that the buildings had no problem with the wiring system; the meters were intact which was evidence that the system was good and there was no overloading; and that the cause of the fire was not at all electric-connected. The evidence of the Appellant that the fire begun in the 1st Respondent's building and spread to his cannot be evidence of liability against the 1st Respondent unless it could be shown, which was not done, that the 1st Respondent caused the fire and that was done out of negligence.

In short, after my own consideration of the evidence of the parties as recorded, I find that the trial court was correct to reach the decision that it did. The result is that the appeal is dismissed with costs.

Dated, signed and delivered in open court this 15th day of March, 2012.

A. O. MUCHELULE
JUDGE