

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

Civil Appeal 75 of 2008

MALOMBE NZILA APPELLANT

V E R S U S

MUINDI MUSILIRESPONDENTS

R U L I N G

1. This appeal was included in the list of those pending ruling or judgment before me by mistake. It was to be mentioned after ruling in another appeal where the point had been taken whether or not the appeal was competent without a certified copy of the decree or order appealed from in the record of appeal.

2. I may mention that in the new Constitutional dispensation there is a lot less emphasis on technicalities of law or procedure and more emphasis on adjudicating upon the real issues between the parties. So, as long as it is clear what order or decree is appealed against, the court should be able to hear the appeal.

3. This file will therefore be taken back to Machakos so that the appeal can be fixed for hearing. The delay in forwarding back the file is regretted.

DATED AT NAIROBI THIS 8TH DAY OF AUGUST 2012

H.P.G. WAWERU

JUDGE

COUNTERSIGNED AND DELIVERED AT MACHAKOS THIS 28TH DAY OF SEPTEMBER 2012

ASIKE-MAKHANDIA

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JUDGE