



REPUBLIC OF KENYA



Kariuki v Gaturu (Civil Appeal E066 of 2023) [2025] KEHC 4517 (KLR) (7 April 2025) (Ruling)

Neutral citation: [2025] KEHC 4517 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CIVIL APPEAL E066 OF 2023**

LP KASSAN, J

APRIL 7, 2025

BETWEEN

SARAH WANGARI KARIUKI APPLICANT

AND

PETER MACHARIA GATURU RESPONDENT

RULING

1. I have read the entire High court file and it is true that the lower court set aside its judgment dated 20/12/2022. I asked for the lower court file to understand the circumstances under which the judgment was set aside but I was only supplied with proceedings up to 23/12/2023.
2. In my ruling which is a sub-suit of application for review, I clearly indicated that I had no typed proceedings and so I was at a disadvantaged position to determine some issues. This has clearly come out. I appreciate that this is among the files that came under RRI and time was of essence.
3. This end, I shall order that the physical lower court file be supplied as soon as possible for me to write the ruling on review.
4. For clarification on awards, I wish to state the following:
 1. The throw away costs was 10,000/- and not 15,000/-.
 2. This is a Nyeri matter.
 3. The ruling was delivered twice; just like all my matters under RRI that is on 3/7/2024 and 14/8/2024. The reason as to why I did this is because many advocates did not turn up on 3/7/2024 which was the first date of judgment. I directed notices be issued for 14/8/2024 for me to re-read the rulings/judgments.
 4. (Later) Parties still being absent – lower court file (physical copy) to be availed. Mention 16/6/2025.



DELIVERED, DATED AND SIGNED AT NAIROBI THIS 7TH DAY OF APRIL 2025.

HON. L. P. KASSAN

JUDGE

In the presence of;

No appearance for parties

Carol – Court Assistant

