



REPUBLIC OF KENYA



KENYA LAW
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**Nyambu & another v Gold Avenue Africa Limited & 2 others (Civil Case 011 of 2023)
[2025] KEHC 6317 (KLR) (Commercial and Tax) (16 May 2025) (Directions)**

Neutral citation: [2025] KEHC 6317 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
CIVIL CASE 011 OF 2023**

RC RUTTO, J

MAY 16, 2025

BETWEEN

JUSTINA NYAMBU 1ST PLAINTIFF

VISHAL SHAH 2ND PLAINTIFF

AND

GOLD AVENUE AFRICA LIMITED 1ST DEFENDANT

SAMUEL KURIA 2ND DEFENDANT

MERCY WAMBUI 3RD DEFENDANT

DIRECTIONS

1. This matter proceeded to a formal proof hearing on 16th October 2024, during which the Plaintiff testified and adopted a Witness Statement dated 27th February 2023 as her evidence in chief. Following the hearing, the matter was set for judgment. However, as I prepared to write the judgment and upon review, it became apparent that the said Witness Statement does not appear to have been filed, as it is absent from both the physical court file and the CTS system.
2. Additionally, a check of Nairobi HCCOMMMisc E153 of 2023, the case number previously misregistered as per the Plaintiff's letter dated 14th March 2023, confirmed that the Witness Statement is not among the documents filed therein. Furthermore, an examination of the Affidavit of Service sworn on 26th February 2024 establishes that the Witness Statement was never part of the documents served upon the Defendants.
3. Given that the hearing was conducted based on this Witness Statement, I am unable to proceed with the writing and delivery of judgment as initially intended.



4. I therefore direct that the Plaintiff do file the Witness Statement dated 27th February 2023 within seven (7) days. Thereafter, the matter shall be mentioned before the Deputy Registrar of the Tax and Commercial Division and further directions. Mention on 3rd June 2025.

Orders accordingly.

DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 16TH DAY OF MAY, 2025.

RHODA RUTTO

JUDGE

In the presence of;

.....for Plaintiff

.....for Defendant

