



REPUBLIC OF KENYA



**Watu Credit Limited & another v Oracha & another (Civil Appeal E059 of 2023) [2024] KEHC 448 (KLR) (24 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 448 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL E059 OF 2023  
RE ABURILI, J  
JANUARY 24, 2024**

**BETWEEN**

**WATU CREDIT LIMITED ..... 1<sup>ST</sup> APPELLANT**

**JOSEPH OUMA OMANYO ..... 2<sup>ND</sup> APPELLANT**

**AND**

**JULIANA ORWA ORACHA ..... 1<sup>ST</sup> RESPONDENT**

**CAR & GENERAL (TRADING) LIMITED ..... 2<sup>ND</sup> RESPONDENT**

*(Being an appeal from the Judgment of Principal Magistrate Hon. S. N. Telewa, delivered on 29th March 2023 in Kisumu CMCC No. E567 of 2021)*

**RULING**

1. I have heard Mr. Karanja Advocate for the Appellant who has been in court since morning and read the notice issued on November 27, 2023 which gave today as the date for directions contrary to the handwritten record of the court which gave January 23, 2024.
2. The Court Assistant, Mr. Fred Osir has written his statement on the matter indicating that he inadvertently gave January 24, 2024 instead of January 23, 2024.
3. It is therefore obvious that this court condemned the appellant's counsel unheard yesterday because of the mistake on the part of the Court Assistant who issued an erroneous date.
4. Now that the appellant's counsel has explained to court the predicament he had and even filed the record of appeal and submissions, I hereby set aside the order of 23<sup>rd</sup> January 2024 dismissing this appeal for non-compliance with court directions and reinstate the appeal to hearing as no prejudice will be occasioned to the respondent.



5. I vacate the order closing the file. I further admit the filed record of appeal on record as duly filed and direct the respondent to file submissions within ten (10) days of today.
6. Mention on February 12, 2024 to confirm the filing of submissions by the Respondent's counsel who shall be served with these directions given by the court in this brief Ruling.
7. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 24TH DAY OF JANUARY, 2024**

**R. E. ABURILI**

**JUDGE**

