



REPUBLIC OF KENYA



**Opeth & another v Musa (Civil Appeal E018 of 2022)  
[2024] KEHC 794 (KLR) (2 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 794 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CIVIL APPEAL E018 OF 2022  
WM MUSYOKA, J  
FEBRUARY 2, 2024**

**BETWEEN**

**FREDRICK OMONDI OPETH ..... 1<sup>ST</sup> APPELLANT**

**JACKSON MUGA ONYANGO ..... 2<sup>ND</sup> APPELLANT**

**AND**

**ELISHA MUCHIRA MUSA ..... RESPONDENT**

**RULING**

1. I am unable to prepare the judgment herein, as the original trial court records, in Busia CMCCC No. 30 of 2017, are yet to be availed.
2. Let the Deputy Registrar cause the trial court records to be availed. The matter shall be mentioned, on a date I shall allocate at the delivery of this ruling, to receive the said records, and for further directions.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA THIS 2<sup>ND</sup> DAY OF  
FEBRUARY 2024**

**W MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Advocates

Ms. Wesonga, instructed by Kimondo Gachoka & Company, Advocates for the appellants.

Mr. Juma, instructed by JV Juma & Company, Advocates for the respondent.

