



**Equator Bottlers Ltd v Achieng (Civil Appeal E033 of 2024)
[2024] KEHC 7936 (KLR) (3 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7936 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E033 OF 2024**

MS SHARIFF, J

JULY 3, 2024

BETWEEN

EQUATOR BOTTLERS LTD APPELLANT

AND

EUNICE RAHEL ACHIENG RESPONDENT

RULING

1. Whereas on 30.4.2024 this court had given directions on the appeal and the conditions for stay of execution it has been submitted that the record of appeal is yet to be filed due to the failure by the court to supply the appellant with complete proceedings of the lower court.
2. The appellant's Counsel thus seeks extension of the appellant's timelines for filing the record of appeal.
3. So far there has been part compliance with the conditions of stay. Counsel for the Respondent submits that the Appellant has failed to adduce any proof of challenges that they are alleging to have faced and also submits that the order for payment of costs has not been honoured.
4. Given the part compliance and payment for the lower court proceedings, I will in the interest of justice extend the appellant's timelines for a period of 21 days. The appellant is directed to file the record of appeal simultaneously with the appellant's submissions within the same time frame.
5. The appellant is also directed to pay costs ordered on 30.4.2024 to the respondent before the next mention date.
6. Mention on 30.7.2024 to confirm compliance.

DATED, DELIVERED AND SIGNED THIS 3RD DAY OF JULY, 2024.

M. S. SHARIFF

JUDGE

