



Bungoma Line Safari Limited & another v Maibo (Suing through next Friend and Father) & another (Civil Appeal E021 of 2024) [2024] KEHC 12748 (KLR) (18 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12748 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E021 OF 2024
RE ABURILI, J
OCTOBER 18, 2024**

BETWEEN

BUNGOMA LINE SAFARI LIMITED 1ST APPELLANT

AZIDA ALI NANCHA 2ND APPELLANT

AND

IGNATIUS MAIBO (SUING THROUGH NEXT FRIEND AND FATHER) 1ST RESPONDENT

GRACE NYAIRO 2ND RESPONDENT

(An appeal arising out of the Judgment & Decree of the Honourable G. C. Serem (RM) in Kisumu Small Claims Civil Suit No. E183 of 2023 delivered on 28th January 2024)

RULING

1. I have perused the letter dated 18th October 2024 from the firm of Kimondo Gachoka & Company Advocates for the Appellants. It reveals that this matter is similar in all respects to HCCA No. 21 of 2024 which was heard and determined vide Judgment of 30th September 2024 and the file closed.
2. The Appellant requests for closure of this file as the issues on liability are similar to those in HCCA No. 21 of 2024 which was determined.
3. Accordingly, as there is no new issue to be determined in this appeal in view of the determination in HCCA No. 21 of 2024 Bungoma Line versus Ignatius Maibo, I hereby adopt the Judgment in HCCA No. 21 of 2024 as the Judgment in this appeal, allowing the appeal herein and consequently, dismissing the Respondent's suit before the lower court in Kisumu Small Claims Court Claim No. E183 of 2023 with an order that each party bear their own costs of the appeal and of the dismissed suit.
4. This file is closed.



5. The lower court file to be returned forthwith.

6. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF OCTOBER, 2024

R.E. ABURILI

JUDGE

