



**Murenga v Amakobe (Civil Appeal E033 of 2022 & E013 of 2023
(Consolidated)) [2024] KEHC 12561 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12561 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CIVIL APPEAL E033 OF 2022 & E013 OF 2023 (CONSOLIDATED)
WM MUSYOKA, J
OCTOBER 22, 2024**

BETWEEN

UMULKHEIR ASHISWA MURENGA APPELLANT

AND

MUSA ODERA AMAKOBE RESPONDENT

(An appeal arising from the judgment of Hon. Idris N. Nyaboga, Senior Resident Kadhi, SRK, delivered on 23rd February 2021, in Busia KCDC No. 1 of 2020, and 7th September 2022, in Busia KCDC No. 1 of 2020)

RULING

1. I made an order, in Busia HCCA No. E013 of 2023, in a ruling that was delivered on 19th April 2024, where I ordered consolidation of the appeal in Busia HCCA No. E013 of 2023, with that in Busia HCCA No. E033 of 2022. I further directed that the 2 appeals be canvassed simultaneously, by way of written submissions. Submissions were filed.
2. When I settled to write judgment in the consolidated appeal, I established that, whereas the appellant had filed a complete record of appeal, in respect of Busia HCCA No. E013 of 2023, which challenges the judgment of 23rd February 2021, she did not file a complete record of appeal in Busia HCCA No. E033 of 2022, which challenges a ruling that was delivered on 7th September 2022.
3. The records of appeal filed in the 2 causes run up to 26th January 2021, yet there were proceedings that were conducted thereafter, inclusive of those leading up to the ruling of 7th September 2022.
4. I am unable to decide on the appeal challenging the determination of 7th September 2022, without the proceedings relating to that ruling.
5. Let the appellant file a complete record of appeal, which, from what I see from the handwritten record of the trial court, runs up to September 7, 2022.



6. This matter shall be mentioned on November 18, 2024, for compliance and further directions.

DELIVERED BY EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, THIS 22ND DAY OF OCTOBER 2024.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Ouma, instructed by BM Ouma & Company, Advocates for the appellant.

Mr. Otanga, instructed by Bogonko Otanga & Company, Advocates for the respondent.

