



Equitorial Nuts Processors v Gichimu (Suing as the legal representative of the Estate of David Mwangi Gichimu) (Civil Case 26 of 2020) [2023] KEHC 24121 (KLR) (11 October 2023) (Judgment)

Neutral citation: [2023] KEHC 24121 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CIVIL CASE 26 OF 2020
J WAKIAGA, J
OCTOBER 11, 2023**

BETWEEN

EQUITORIAL NUTS PROCESSORS APPELLANT

AND

CHARLES MWANGI GICHIMU RESPONDENT

SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF DAVID MWANGI GICHIMU

JUDGMENT

1. Since the Respondent was a passenger in another motor vehicle which collided with the Appellant’s motor vehicle, which was not sued, I find that there is a triable issue that ought to be determined by way of full trial.
2. Whereas the service was proper, where the Appellant has put up on triable defence, it is trite that the same should be considered.
3. I therefore allow the appeal herein and set aside the interlocutory judgment entered against the Appellant and since the service has been considered proper, the Appellant shall pay to the Respondent cost of Kshs.50,000/=.
4. The security deposited herein shall be maintained pending the hearing and determination of the suit before another magistrate rather than the trial Court.
5. The Lower Court matter to be mentioned before the Chief Magistrate on 21/11/2023 for direction on its disposal on priority basis.

DATED, SIGNED AND DELIVERED THIS 11th DAY OF OCTOBER, 2023

J WAKIAGA



JUDGE

11/10/2023

