



REPUBLIC OF KENYA



**KENYA LAW**  
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**Aroko v Kotiende (Civil Appeal E249 of 2024)  
[2024] KEHC 15799 (KLR) (16 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15799 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL E249 OF 2024  
MS SHARIFF, J  
DECEMBER 16, 2024**

**BETWEEN**

**PETER OTIENO AROKO ..... APPELLANT**

**AND**

**FREDRICK OWINO KOTIENDE ..... RESPONDENT**

**RULING**

1. Upon perusal of the Appellant's notice of motion dated 13.12.2024, the supporting affidavit sworn by Peter Otieno Aroko on even date, I have also perused the memorandum of appeal dated 27<sup>th</sup> November 2024 which is an omnibus one and it seeks to challenge both the ruling and judgment of the small claims court in one appeal and I do hereby find that the said memorandum of appeal which is the substratum of this application to be fatally and incurably defective wherefore I do hereby strike it out summarily.
2. This application thus collapses with the said striking out of the appeal with no orders as to costs.
3. This file is marked as closed.

**DELIVERED, SIGNED AND DATED AT KISUMU THIS 16<sup>TH</sup> DAY OF DECEMBER, 2024.**

**M. S. SHARIFF**

**JUDGE**

