

REPUBLIC OF KENYA

AT THE HIGH COURT OF KENYA

AT SIAYA

CIVIL APPEAL NO. 22 OF 2018

FREDRICK ODONGO OTSIENO.....APPELLANT

VERSUS

AL-HUSNANIN MOTORS LIMITED.....RESPONDENT

(Being an Appeal arising from a Judgment of Hon. G. Adhiambo, Senior Resident Magistrate in UKWALA SRM CC No. 1 of 2010 delivered on 20th July 2018)

RULING

1. I have considered the Notice of Motion dated 2/12/2018 (ought to be 2019) and filed on 3/12/2019.
2. I have also considered the grounds thereof and the annexures being a receipt dated 12/11/2019 and supplementary record of appeal.
3. I am not persuaded that the Memorandum of appeal was annexed in the supplementary record of appeal as the record is clear that none was annexed or at all leading to striking out of the appeal on 20/12/2019.
4. I however exercise discretion and grant the appellant leave to file and serve a supplementary record of appeal comprising a Memorandum of appeal. The same shall be filed and served within 10 days of today. The Deputy Registrar to notify the Appellant's counsel forthwith.
5. Mention on 11/2/2020 to confirm compliance and for directions on appeal.
6. The Appellant to serve the Respondent's counsel with Notice for directions on 11/2/2020.
7. Orders accordingly.

Dated, signed and Delivered at Siaya this 20th Day of January, 2020

R.E. ABURILI

JUDGE