



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**CIVIL APPEAL NO. 56 OF 2016**

**EQUATOR BOTTLERS LIMITED.....1<sup>ST</sup> APPELLANT**

**RODGERS ODANGA SHITIGA.....2<sup>ND</sup> APPELLANT**

**VERSUS**

**ALFAYO SIMIYU.....RESPONDENT**

**RULING**

1. I am unable to prepare the judgment in this appeal as the original records in Kakamega CMCCC No. 118 of 2011 are yet to be made available.
2. The Deputy Registrar to follow up on the original records. The matter shall be mentioned on 28<sup>th</sup> May 2020 to confirm whether the lower court file has been availed, and to allocate a fresh date for judgment. It is so ordered.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 8TH DAY OFMAY, 2020**

**W. MUSYOKA**

**JUDGE**