



**REPUBLIC OF KENYA**

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

**CIVIL APPEAL NO. 123 OF 2019**

**KENNEDY SHIKUKU t/a ESHIKONI AUCTIONEERS....APPELLANT**

**VERSUS**

**MOHAMED IQBAL.....RESPONDENT**

**RULING**

1. These are appeal proceedings emanating from proceedings that are before the Mumias Senior Principal Magistrates Court in Mumias SPMCCC No. 151 of 2013, and the orders sought include stay of those proceedings.
2. The the original records of the trial court have not been made available, neither has a record of appeal been filed. I cannot do justice in the Motion dated 16<sup>th</sup> December 2019, without having a complete record of the proceedings that have given rise to these appeal proceedings.
3. In the circumstances, I shall not make a determination on the said Motion, before the original records from the trial court are made available. Consequently, I hereby direct the Deputy Registrar to call for those records.
4. The matter shall be mentioned on 28<sup>th</sup> May 2020, to confirm whether the trial court file has been availed, and for allocation of a fresh date for ruling. The interim orders on record are hereby extended. It is so ordered

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 8<sup>TH</sup> DAY OF MAY, 2020**

**W. MUSYOKA**

**JUDGE**