

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 382 OF 2010

REUBEN OMWENGA MARWANGA.....1ST APPELLANT

FLORENCE MWANGO NYARANGA.....2ND APPELLANT

VERSUS

GWARO ONWONGA.....RESPONDENT

DIRECTIONS

On 7th October 2016 going by the record hereof, the court made an order that the appeal was ready for hearing. Subsequently, parties were asked to file submissions which they duly did. On 16th July, 2019 the court set 31st October, 2019 to be the date for delivery of Judgment. When I retired to prepare the said judgment I noted that the Judgment of the lower court appearing at page 28 to 35 of the record of appeal had not been typed or certified.

A reading of the said un typed judgment is not easy yet it is that judgment upon which the Memorandum Of Appeal is anchored. Faced with such a situation, it was not possible to address the issues raised in the Memorandum of Appeal and submissions made by the parties herein. Regrettably therefore, no judgment can be delivered in the circumstances.

The foregoing being the case, I hereby direct that the handwritten judgment of the lower court appearing on the cited pages above shall be typed expeditiously within 14 days from the date of this direction. Thereafter, both parties shall be given a copy thereof to confirm that it is a true reflection of the handwritten judgment within 7 days from the date of service. The appeal shall now be mentioned on 27th November, 2019 to confirm compliance and setting of the judgement date.

Dated, signed and delivered at Nairobi this 7th Day of November, 2019.

A. MBOGHOLI MSAGHA

JUDGE