

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

CIVIL APPEAL NO. 188 OF 2017

1. GIRMAT AUCTIONEERS

2. MOMBASA KHUSHI MOTORS COMPANY LTD.....APPELLANTS

VERSUS

MERCY WARIARA MUTURI.....RESPONDENT

DIRECTIONS

1. While preparing to write the judgment in this matter, I have realized that the record of appeal is incomplete. The submissions by the Respondent in the lower court and the Ruling appealed from are missing from the record. The record of appeal contains only the last page of the Ruling appealed from. Secondly, there is no evidence that the Respondents have complied with this court's order of 28.9.18 requiring them to serve their submissions admitted late by the court, upon the Appellants to enable them respond, if need be.

2. In the circumstances the court directs that:

a) The Appellants do file a complete supplementary record of appeal including the identified missing records and any other documents not contained in the record of appeal filed on 6th February, 2018. The said supplementary record of appeal be filed and served within 14 days of this order.

b) The Respondent files an affidavit of service to confirm service of the court's order of 28.9.18 and their late submissions upon the Appellants.

c) Mention on 25.10.18 to confirm compliance and give a judgment date.

DELIVERED, AND SIGNED AT KIAMBU THIS 12TH DAY OF OCTOBER, 2018.

C. MEOLI

JUDGE

In the Presence of :

Mr. Kaburu holding brief for Mr. Thuku for the Appellant

Mr. Kingagi holding brief for Mr. Nyasani for the Respondent

Court Clerk - Kevin