



**REPUBLIC OF KENYA**

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

**CIVIL APPEAL NO. 3 OF 2013**

**J W M .....APPELLANT**

**VERSUS**

**D K M .....RESPONDENT**

*(Being an appeal from the judgement and decree of Hon. Cheruto Kipkorir delivered on 21<sup>st</sup> day of December 2012 in Chief Magistrates court at Nairobi in Divorce Cause No. 144 of 2008)*

**RULING**

1. The appeal herein was argued before me on 23<sup>rd</sup> October 2014 and I reserved the judgment to a later date.
2. I have not been furnished with the original record of the lower court in **Milimani Commercial Court CMCDC No. 144 of 2008**. I am unable to prepare the judgment without the original record.
3. The matter shall be mentioned on a date to be given at the delivery of this ruling for further directions.
4. The Chief Magistrate in charge of the Milimani Commercial Courts, Chief Magistrate's Court to be furnished with a copy of this ruling and the Deputy Registrar is hereby directed to call for the original record referred to above.

**DATED, SIGNED and DELIVERED at NAIROBI this 3<sup>RD</sup> DAY OF JULY, 2015.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Kire advocate for the appellant.**

**In the presence of ..... advocate for the respondents.**