

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CIVIL APPEAL NO. 75 OF 2011

EQUITY BANK LIMITED.....1ST APPELLANT

JOSEPH MURIUKI T/A AJOWARD ENTERPRISES.....2ND APPELLANT

JIBS ENTERPRISES.....3RD APPELLANT

VERSUS

PERPETUA MUTHONI NDUMA.....RESPONDENT

FURTHER DIRECTIONS

On 9th March, 2015, counsel for the respective parties appeared before me for directions on the hearing of the appeal; they were both in agreement that the record of appeal is in order and directions should be given in that regard certifying the record as complete.

Based upon counsel's presentations, I certified the record as complete and also directed that the appeal shall be disposed of by way of written submissions before a single judge. Parties filed and exchanged their respective submissions as directed.

When I retreated to write the judgment during the High Court August vacation, I noted that the decree being appealed against had neither been included in the record of appeal nor had it been extracted.

Without the decree there is no appeal before the court for determination. I therefore direct the appellants to file a supplementary record of appeal to include a certified copy of the decree appealed against. The supplementary record shall be filed and served within thirty days of the date of this order failure of which the appeal shall stand struck out. My orders of 9th March, 2015 are varied accordingly.

Dated, signed and delivered in open court this 2nd day of October, 2015

Ngaah Jairus

JUDGE