



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**Gatabaki v Family Bank Limited & 2 others (Civil Case 258 of 2016)
[2025] KEHC 16760 (KLR) (Civ) (18 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16760 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL CASE 258 OF 2016

LP KASSAN, J

NOVEMBER 18, 2025

BETWEEN

HON NJEHU GATABAKI APPELLANT

AND

FAMILY BANK LIMITED 1ST RESPONDENT

CECIL MILLER T/A MILLER & CO. ADVOCATES 2ND RESPONDENT

**ASHFORD MURIUKI T/A ASHFORD MURIUKI ADVOCATES 3RD
RESPONDENT**

RULING

1. This is an application for witnesses who wrote statements to be called to testify in Court. Their statements form part of the bundle of exhibits of the defence. The Application is opposed because their alleged employer who is also a defendant (1 Defendant) has already testified and closed their case. In its reply, the 1 defendant clarified that the said witnesses have since left their employment thus it would be difficult to call them. I have taken into the account the submissions by all parties and wish to note two things; first, the statement of these witnesses are in the bundle of defence documents and so all along, parties have been having possession of their statements. If this Court was to deny this application what would be the fate of their statements? Secondly since these witnesses are no longer employees of the First defendant who can call these witnesses? This being a Court of Justice, it must ensure that there is a wholesome consideration of all facts before final determination. There will be no prejudice to any party because these witnesses will go through the trial process that affords every party an opportunity to cross examine. Needless to say, the same witnesses are the ones that led into the commencement of this case.
2. I therefore summon the said witnesses to come to Court for cross examination.



DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 18TH DAY OF NOVEMBER 2025.

HON L. P. KASSAN

JUDGE

In the presence of;

No appearance for Applicant

Mrs Akong'a for 1st Defendant

Mr Sigoma for 2nd Defendant

Carol – Court Assistant

Mention on 29/01/2026 for hearing

