



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Kaburu v Waihwa (Civil Appeal E902 of 2023)
[2025] KEHC 16777 (KLR) (Civ) (17 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16777 (KLR)

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

CIVIL

CIVIL APPEAL E902 OF 2023

LP KASSAN, J

NOVEMBER 17, 2025

BETWEEN

JOSEPH MWITI KABURU APPLICANT

AND

JOSEPH THEURI WAIHWA RESPONDENT

RULING

1. In the process of writing Judgement, I noted that the proceedings are incomplete. I would have blamed the Appellant for this mistake but there is a lower Court file with the incomplete proceedings. This therefore means that the fault was on the Court. Without complete proceedings this Court cannot render justice.
2. I direct that the matter be mentioned soonest before the Deputy Registrar to avail complete records.

DATED DELIVERED VIRTUALLY AND SIGNED ON THIS 17TH DAY OF NOVEMBER 2025.

HON L P KASSAN

JUDGE

In the presence of

Grembere for Applicant

Gakeria for Respondent

Carol – Court Assistant

Mention before Deputy Registrar on 4/12/2025.

