



**Whitepath Company Limited v Kaburugu (Civil Appeal E1360 of 2024)
[2025] KEHC 15875 (KLR) (Civ) (3 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 15875 (KLR)

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

CIVIL

CIVIL APPEAL E1360 OF 2024

WM MUSYOKA, J

NOVEMBER 3, 2025

BETWEEN

WHITEPATH COMPANY LIMITED APPELLANT

AND

JOSEPH KIHARA KABURUGU RESPONDENT

*(Appeal from the judgement and decree, of Hon. SN Muchungi (Mrs), Principal
Magistrate, PM, delivered on 8th November 2024, in MCCOMMSU No. E628 of 2023)*

RULING

1. In the course of preparing the judgment in this matter, I have come across reference, by both the appellants and the respondents, to a cross-appeal, purportedly filed by the respondents.
2. I have ploughed through the paperwork before me, and I have been unable to trace the said cross-petition.
3. It would be unjust, to determine the appeal herein, without having sight of, and considering the arguments made in, the said cross-petition.
4. Consequently, I shall return the file, to the relevant registry, with directions, to the Deputy Registrar, to cause the said cross-petition to be made available. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 3RD
DAY OF NOVEMBER 2025.**

WM MUSYOKA

JUDGE



Mr. Arthur Etyang, Court Assistant, Busia.

Ms. Carolyn Oyuse, Court Assistant, Milimani, Nairobi.

Advocates

Mr. Eredi, instructed by Eredi Mulama & Company, Advocate for the appellant.

Messrs. NN Njoroge & Company, Advocates for the respondent.

