

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA NAIROBI**  
**CIVIL DIVISION**  
**HCCA E1159 OF 2024**

**NEMWEL KABINGA MAIKO & ANASTACIA CHERONO (Suing as the legal representatives of the Estate of SYLVESTER ORINA KABINGA(DECEASED)).....  
APPLICANT**

**-VERSUS-**

**BERNARD WAMBUGU.....1<sup>ST</sup>  
RESPONDENT**

**CLIMAX COACHES LIMITED .....2<sup>ND</sup>  
RESPONDENT**

**RULING**

- 1.** In the process of writing judgment, I noted that the eye witness who testified was one Phominic Kisengo yet the statement of an eye witness in the proceedings is called Vanicky Nyanchoke Kabinga. I do not have the witness statement of Phominic.
- 2.** Advocates to clarify.

**DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 27<sup>TH</sup>  
DAY OF NOVEMBER 2025.**

**HON L P KASSAN  
JUDGE**

**In the presence of;**

Machiru for Applicant

No appearance for Respondent

Carol - Court Assistant

**Mention on 4/12/2025. Both parties to appear**

ORIGINAL