



REPUBLIC OF KENYA



Njeru v Kimei & another (Civil Appeal E888 of 2022)
[2025] KEHC 17705 (KLR) (Civ) (27 November 2025) (Ruling)

Neutral citation: [2025] KEHC 17705 (KLR)

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

CIVIL

CIVIL APPEAL E888 OF 2022

WM MUSYOKA, J

NOVEMBER 27, 2025

BETWEEN

TYSON MBOGO NJERU APPELLANT

AND

BENARD KIPKOECH KIMEI 1ST RESPONDENT

ROBERT OUMA AKATCH 2ND RESPONDENT

(Appeal from the judgement and decree, of Hon. Caroline Ndumia, Senior Resident Magistrate, SRM, and Adjudicator, of 17th October 2022, in Nairobi SCCCOMM No. E4369 of 2022)

RULING

1. There is a possibility that the judgement, impugned in this appeal, was delivered without jurisdiction.
2. I am unable to establish that with finality, for the original trial court records, inclusive of the typed proceedings, were not availed.
3. Consequently, I do hereby direct that this file be placed before the Deputy Registrar, for the purpose of the said records being called for, from the trial court.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 27TH DAY OF NOVEMBER 2025.

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant, Busia.

Mr. Michael Onyango, Court Assistant, Milimani, Nairobi.



Advocates

Mr. Kanyoko, instructed by Kanyoko Lewis & Company, Advocates for the appellant.

Mr. Nyamanga, instructed by Oscar Otieno & Company, Advocates for the respondents.

