

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUNGOMA
CIVIL APPEAL NO. E151 OF 2024

SOW CONSTRUCTION ENGINEERING LIMITED.....APPELLANT

VERSUS

LILIAN NAMALWA (Suing as the Legal Representative and Administrator of
the Estate of JOB SHIKUKU WANYONYI).....RESPONDENT

RULING

1. Whereas Mr. Kurgat for the Appellant has applied for leave to file a Supplementary Record of Appeal to annex a decree which he submits is yet to be supplied to the appellant despite payment for the same, Mr. Onyando for the Respondent has opposed that application and has maintained that the Record of Appeal as filed is defective and that the Appellant has had ample time to comply but opted not to do so.
2. I have considered the rival submissions of parties and I do note that the Appellant cannot be faulted for failure to annex a decree which the trial court is yet to issue it with one despite payment having been made. I am thus inclined to grant the applicant leave to file Supplementary Record of Appeal within 14 days from the date hereof.

3. I also direct the Deputy Registrar to follow up with the lower court and ensure that the decree is extracted within 7 days from the date hereof.

4. This matter shall be mentioned on 9.2.2026 for compliance.

Delivered, signed, and dated at Bungoma this 20th day of November, 2025.

MWANAISHA S. SHARIFF

JUDGE