



**Otieno v Mwangi t/a Paul Mwangi & Company Advocates (Civil Appeal E1521 of 2024) [2025] KEHC 18864 (KLR) (Civ) (15 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18864 (KLR)

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

**CIVIL**

**CIVIL APPEAL E1521 OF 2024**

**WM MUSYOKA, J**

**DECEMBER 15, 2025**

**BETWEEN**

**ALPHONSE O'MAKALWALA OTIENO ..... APPELLANT**

**AND**

**PAUL MWANGI T/A PAUL MWANGI & COMPANY  
ADVOCATES ..... RESPONDENT**

*(Appeal from the judgement and decree, of Hon. Rawlings Liluma Musiega, Senior Resident Magistrate, SRM, in Milimani CMCCC No. 349 of 2023, of 29th November 2024)*

**RULING**

1. The original trial court records, relating to the proceedings, the subject of the appeal herein, have not been availed, yet there would be need to ascertain whether pleadings, in that case, were filed. I am unable, from the record of appeal, to ascertain when the filings were lodged, at the registry, to commence the suit.
2. I see 2 case numbers: CMCCC No. E305 of 2021 and MCCC No. 349 of 2023, yet there is no material to connect the 2, and the typed proceedings commence on 5<sup>th</sup> March 2024, long after both suits were filed.
3. Consequently, I do hereby direct the Deputy Registrar to cause the original trial court records to be availed. The appeal file herein shall be returned to the relevant registry, for compliance.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 15<sup>TH</sup> DAY OF DECEMBER 2025.**

**W.M. MUSYOKA**



## **JUDGE**

Mr. Arthur Etyang, Court Assistant, Busia.

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

Mr. Alphonse O'Makalwala, the appellant, in person.

Advocates

Ms. Muhonja, instructed by Nkunja Kaari & Company, Advocates for the respondent.

