

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
CIVIL APPEAL NO. E23 OF 2023

PHELOMENA KANINI MUSA
APPELLANT

VERSUS

JOSHUA MUTUA
WAMBUARESPONDENT

***(Being an appeal from the Judgment delivered by
Honourable B. A Luova (R.M) in Machakos SCC No. E468
of 2022, delivered on 10th January 2023)***

DIRECTIONS

I retreated to write this Judgment. Upon perusing the court record I noted that despite the court being informed that the Appellant's Record of Appeal had been filed, there was no copy of it on either the File or on the CTS. I was therefore unable to proceed with the judgment writing and instead I do issue the following directions;

1. The Appellant to upload and serve a complete Record of Appeal together with submission within fourteen (14) days from the date of these directions. In addition, the Appellant to provide physical copy of the Record of Appeal already filed within the same period.

2. If the Appellant fails to comply with the above directions within the given timelines, the Memorandum of Appeal on record shall be deemed dismissed for want of prosecution, with costs awarded to the Respondent.
3. The Respondent be at liberty to file supplementary submissions, if any, within seven (7) days of being served with the Appellants Document's.
4. The Deputy Registrar to call for the lower court file.

Orders accordingly.

Delivered, dated and signed at Machakos this 29th day of January 2026.

RHODA RUTTO

JUDGE

In the presence of;

.....Appellant

.....Respondent

Selina Court Assistant