



REPUBLIC OF KENYA



**Masinde v Wafula & 3 others (Civil Appeal E040 of 2025)
[2026] KEHC 1658 (KLR) (9 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1658 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CIVIL APPEAL E040 OF 2025
WM MUSYOKA, J
FEBRUARY 9, 2026**

BETWEEN

PETER ODUOR MASINDE APPELLANT

AND

GEORGE BWIRE WAFULA 1ST RESPONDENT

WATU NOMINEES COMPANY LTD 2ND RESPONDENT

PAUL ODHIAMBO 3RD RESPONDENT

JACKLINE NAKHOLI ODWORI 4TH RESPONDENT

(Appeal from the Judgment and decree of Hon. Anne Karimi, Senior Resident Magistrate delivered on 8th May, 2025 in Port Victoria PMCC No. E010 of 2024)

RULING

1. I am unable to write the Judgment in this matter.
2. The trial records, availed, by the trial court, do not have the pleadings that were the basis upon which the trial was conducted. I cannot tell whether the pleadings, in the record of appeal, were the same that were before the trial court.
3. Let the Deputy Registrar call for the pleadings that the trial court used to conduct the trial, which led up to the judgment appealed against. The matter shall, thereafter, be mentioned before the Judge, on a date to be allocated by the Deputy Registrar.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 9TH DAY OF FEBRUARY 2026.

WM MUSYOKA



JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Angode, instructed by EO Kweyu & Company, Advocates for the appellant.

Ms. Nakhulo, instructed by Omwenga & Company, Advocates for the 1st respondent.

Mr. Wabomba, instructed by Wabomba Masinde & Associates, Advocates for the 2nd respondent.

Mr. Kenjel, instructed by Nabibia & Company, Advocates for the 3rd respondent.

