

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**CIVIL APPEAL NO. E038 OF 2025**

**PAUL ODHIAMBO.....**  
**APPELLANT**

**VERSUS**

**GEORGE BWIRE WAFULA.....**1<sup>ST</sup> RESPONDENT****  
**WATU BWIRE COMPANY LTD......**2<sup>ND</sup> RESPONDENT****  
**JACKLINE NAKHOLI ODWORI.....**3<sup>RD</sup> RESPONDENT****

(Appeal from the judgement and decree of Hon. Anne Njeru, Senior Resident Magistrate, SRM, delivered of 8<sup>th</sup> May, 2025, in Port Victoria PMCC No. E009 of 2024)

**RULING**

1. The trial court file, availed, does not have the original pleadings filed in that matter.
2. I cannot tell whether the copies of pleadings, in the record of appeal, are the same as those that were before the trial court, and which were the basis for the judgment which is being appealed against.
3. I direct the Deputy Registrar to call for the original pleadings that were before the trial court.
4. The matter shall be mentioned on 2<sup>nd</sup> March 2026, for further directions.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS  
2<sup>ND</sup> 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 1<sup>st</sup> respondent.**

**Mr. Wabomba, instructed by Wabomba Masinde & Associates, Advocates for the 2<sup>nd</sup> respondent.**

**Mr. Kenjel, instructed by Nabibia & Company Advocates for the 3<sup>rd</sup> respondent.**

