



Amicabre Travel Services Limited v Sai Universal Supplies Limited (Civil Appeal E705 of 2022) [2025] KEHC 11739 (KLR) (Civ) (4 August 2025) (Ruling)

Neutral citation: [2025] KEHC 11739 (KLR)

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

**CIVIL
CIVIL APPEAL E705 OF 2022**

WM MUSYOKA, J

AUGUST 4, 2025

BETWEEN

AMICABRE TRAVEL SERVICES LIMITED APPELLANT

AND

SAI UNIVERSAL SUPPLIES LIMITED RESPONDENT

(Appeal from orders made in the ruling by Hon. Wanjala (Ms.), Senior Resident Magistrate, on 26th August 2022, in Milimani CMCCC No. 1029 of 2016)

RULING

1. According to the Memorandum of Appeal herein, dated 5th September 2022, the appeal herein arises from orders that were made in a ruling, delivered on or dated 26th August 2022, by Hon. Wanjala, SRM. I have very scrupulously gone through the record of appeal filed herein, dated 22nd November 2024, and I have not come across a copy of the said ruling, nor the formal orders extracted from it. A certified copy of the typed proceedings, that were conducted in Milimani CMCC No. 1029 of 2016, are not in the said record of appeal.
2. The original trial court records, in Milimani CMCC No. 1029 of 2016, were availed. I have perused the file papers before me, and I have seen the handwritten ruling by Hon. Wanjala, dated 26th August 2022, and delivered on even date. I am unable to read the handwriting of Hon. Wanjala. There is a copy of typed proceedings in the original trial record, inclusive of the said ruling of 26th August 2022, but those typed proceedings do not appear to have been fully proof-read, nor are they certified.
3. As it is, the record of appeal is incomplete. Order 42 rule 2 of the Civil Procedure Rules has not been complied with, for there is no certified copy of the orders appealed from, being that dated 26th August



2022. Order 42 rule 13(4) of the Civil Procedure Rules was not complied with, with reference to Order 42 rule 13(4)(f), for a copy of the impugned ruling, typed and certified, is not on record.

4. Consequently, the appeal herein is not ripe for determination. I shall, accordingly, direct that the file herein be returned to relevant registry, to be placed before the Deputy Registrar, who shall require the appellant to fully comply with Order 42 rule 13(4) of the Civil Procedure Rules. Orders accordingly.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 4TH DAY OF AUGUST 2025.

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant, Busia.

Ms. Carlyne Oyuse, Court Assistant, Milimani, Nairobi.

Advocates

Mr. Wangai, instructed by James T. Makori, Advocate for the appellant.

Ms. Thurania, instructed by Binyenya Thurania & Company, Advocates for the respondent.

