



**Sammy Traders Limited v Owino & 2 others (Civil Appeal
E29 of 2020) [2024] KEHC 6526 (KLR) (31 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6526 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E29 OF 2020
MS SHARIFF, J
MAY 31, 2024**

BETWEEN

SAMMY TRADERS LIMITED APPELLANT

AND

NANCY ACHIENG OWINO 1ST RESPONDENT

DEGITECH ENTERPRISES 2ND RESPONDENT

CHARDWICK OBALA 3RD RESPONDENT

RULING

Background

1. The Appellant herein had preferred three appeals of a similar nature being Kisumu High Court Civil Appeal No. E29, E30 and E31 of 2020 to challenge the judgments in Nyando Senior Resident Magistrate Court No. 5, 6 and 7 of 2017 all delivered on 24/11/2020.
2. On 14th March 2023 Lady Justice T. A. Odera delivered judgment in Civil Appeal No. E30/2020 and E31/2020 by absolving the Appellant from liability and instead found the 2nd and 3rd Respondent liable for the accident that informed the filing of the suits in the subordinate court.
3. The Appellant herein has thus moved this court under the provisions of Section 1A, 1B and 3A of the [Civil Procedure Act](#) for the following orders:
 - i. That this appeal be marked as compromised.
 - ii. That costs of this appeal be borne by the Respondents.
4. I have perused the judgment of my sister Lady Justice T. A. Odera in Kisumu HCCA No. E30/2020 and E31/2020 and I do confirm that indeed the issue in this appeal have been conclusively determined



wherefore I do hereby adopt the judgment made their and I absolve the Appellant herein of any liability.

5. The 2nd and 3rd Respondent shall meet the costs of this application.
6. The appeal herein is hereby marked as compromised.
7. This file is marked as closed.

It is hereby so ordered.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 31ST DAY OF MAY, 2024

M. S. SHARIFF

JUDGE

