



Fidelity Shield Insurance Company Limited v Karuri (Civil Appeal E032 of 2022) [2024] KEHC 5813 (KLR) (Civ) (24 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5813 (KLR)

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

CIVIL

CIVIL APPEAL E032 OF 2022

WM MUSYOKA, J

MAY 24, 2024

BETWEEN

FIDELITY SHIELD INSURANCE COMPANY LIMITED APPELLANT

AND

JAMES MWANGI KARURI RESPONDENT

(An appeal arising from the judgement of Hon. AN Makau, Principal Magistrate, PM, delivered on 21st December 2021, in Milimani CMCCC No. E4146 of 2021)

RULING

1. I am unable to prepare judgement in this appeal, as the original trial court records have not been availed.
2. The record of appeal filed herein is also incomplete, for the appeal turns on the terms of a motor insurance policy, yet the copy of the motor insurance policy in the record of appeal is incomplete.
3. Let the original trial court records, or a complete record of appeal, preferably both, be availed, to facilitate completion of the writing of the judgement herein.
4. Upon that being done, the appeal file may be placed before me for preparation of the judgement.

DELIVERED BY EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA,

THIS 24TH DAY OF MAY 2024

WM MUSYOKA

JUDGE

Ms. Veronica, Court Assistant, Milimani, Nairobi.

Mr. Arthur Etyang, Court Assistant, Busia.



Advocates

Mr. Mugambi, instructed by Mugambi Mungania & Company, Advocates for the appellant.

Mr. Kimani, instructed by Ndumu Kimani & Company, Advocates for the respondent.

