



Aswin Brothers CPA (K) v Development Bank of Kenya Limited (Civil Appeal E444 of 2022) [2024] KEHC 8191 (KLR) (26 June 2024) (Ruling)

Neutral citation: [2024] KEHC 8191 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E444 OF 2022
JK NG'ARNG'AR, J
JUNE 26, 2024**

BETWEEN

ASWIN BROTHERS CPA (K) APPELLANT

AND

DEVELOPMENT BANK OF KENYA LIMITED RESPONDENT

(Being an appeal from the whole of the judgment and decree of Hon. Kagoni E.M. (Mr.), Principal Magistrate in Milimani CMCC No. 5779 of 2018; Aswin Brothers CPA (K) v. Development Bank of Kenya Limited) delivered on 25th May, 2022)

RULING

1. This matter came up for hearing under the Rapid Results Initiative (RRI) on 5/6/2024.
2. Both the Respondent and the Appellants were represented. It was agreed that there was a lead file in this mater being related to others.
3. As to which was the lead file the parties were not able to tell the court.
4. The directions must be in one of the files but having perused this one, it is not the one.
5. As it is, I am not able to proceed in absence of clear information or record on the mode of proceedings. The parties too were not able to agree on the way forward.
6. For the above reasons, I do return this file to be mentioned before the Deputy Registrar for further orders on the directions obtaining. Mention on 25/7/2024 for further orders before the Deputy Registrar.

DATED AND DELIVERED VIRTUALLY AT NAIROBI THIS 26TH DAY OF JUNE, 2024.

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J.K. NG'ARNG'AR, HSC

JUDGE

In the presence of:-

Michuki & Michuki Advocates for the Appellant

Arcon Law Advocates LLP Advocates for the Respondent

Court Assistant- Peter Ong'idi

