

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CIVIL APPEAL NO. 26 OF 2015

BETWEEN

HASSAN OENDO BAGWASI.....APPELLANT

AND

EDWARD APIMA DANI.....RESPONDENT

(An Appeal arising from Ruling and Order dated 25th February 2015

in Kisii CMCC No. 58 of 2010 by Hon. Makila RM)

RULING

The application coming up today is the Notice of Motion dated 22nd March 2017 seeking to dismiss the appeal for want of prosecution. It is not opposed but Mr. Sagwe, advocate for the appellant states that he has not seen his client and wishes to withdraw from acting. The desire to withdraw from acting for a client who is not interested in pursuing his appeal does not constitute cause. The appeal is dismissed with costs of Kshs. 5000/=.

D.S MAJANJA , J

26/6/2018

Court: Ruling read and delivered in open court.

D.S MAJANJA, J

26/6/2018