



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CIVIL APPEAL NO. 93 OF 2016**

**BETWEEN**

**KENYA POWER & LIGHTING CO. LTD.....APPELLANT**

**AND**

**SAMUEL MANDERE OGETO.....RESPONDENT**

*(Arising out of the Ruling delivered on 4<sup>th</sup> November 2016 by Hon. S.K Onjoro SRM in Kisii CMCC No. 627 of 2016)*

**RULING**

Having considered both applications and in the interests of justice, I allow the appellant's application dated 9.4.2018 and deem the appeal as duly filed. The appellant's application dated 16.01.2018 is dismissed. However, the appellant shall pay the respondent's costs assessed at Kshs. 7000/=within 14 days. The appeal shall be heard on 28.06.2018.

**D.S MAJANJA , J**

**13/6/2018**

**FURTHER:** The other outstanding costs to be paid within the next fourteen days in default the appeal shall stand dismissed.

**D.S MAJANJA, J**

**13/6/2018**