



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**

**HCCA NO.115/2011**

**STEPHEN S. NTEERE INOTI.....APPELLANT**

**VERSUS**

**M'TWARUCHIU NTHUNGURI IKWINGA.....1ST RESPONDENT**

**MAGIRI M'TWARUCHIU.....2ND RESPONDENT**

**R U L I N G**

This application is dated 14.11.2013 and seeks orders:

- (a) That the honourable court be pleased to dismiss this appeal for want of prosecution.**
- (b) That cost be paid by the appellant.**

It was based on the following grounds:

- (a) The appellant has failed to have the appeal prosecuted.**
- (b) That the appellant has lost interest in the case.**

On 4.7.2014, the parties through their advocates, agreed by consent, to have the application withdrawn and for the Appellant to file his record of Appeal within 30 days.

I do allow the withdrawal of the application with costs to be in the appeal, if it is eventually admitted and heard.

It is so ordered.

**Delivered in Open Court at Meru this 24th day of July, 2014 in the presence of:**

Cc Daniel/Lilian

Mutwiri Arimi for appellant

Ayub Anampiu for respondents

**P. M. NJOROGE**

**JUDGE**