

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

MISC. APPLICATION NO. 294 OF 2010

JOSEPH WAIHARO MAINA

PAUL KIARIE

FLORENCE WAMBUI

WAINAINA KURIA

SIMON MACHARIA.....RESPONDENTS/PROPOSED APPELLANTS

VERSUS

JOHN MWANIKI KURIA.....APPLICANT

RULING

By a Ruling dated 2nd December 2011, I dismissed the Respondents/Appellant's application for leave to appeal out of time but did not cover the application dated 20th September, 2011 which sought orders that the rent deposited in court be released to the applicant.

Having dismissed the Respondent/Appellant's for leave to appeal out of time, there is no logic in keeping the deposit in court as there are no more proceedings pending.

I therefore allow the applicant's Notice of Motion dated 20th September 2011 and filed in court on 21st September 2011.

It is so ordered.

Dated, signed and delivered at Nakuru this 1st day of February, 2012

M. J. ANYARA EMUKULE

JUDGE