



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

Civil Case 107 of 2005

DAVID WACHIRA WAMBUGU.....PLAINTIFF

VERSUS

CO-OPERATIVE INSURANCE CO. LTD.....DEFENDANT

RULING

I have perused the arguments by both counsel, Respondent argues that an appeal has already been filed and the issue raised by plaintiff is one contested in appeal.

I therefore find no reason to correct the decree which is now subject of an Appeal in Court of Appeal. Application not allowed.

Dated this 25th April, 2008.

J. N. KHAMINWA

JUDGE

25/4/2008

Khaminwa – Judge

Njue – Clerk

Muraguri present

Read in open court in presence of Mr. Muraguri.

J.N. KHAMINWA

JUDGE