



REPUBLIC OF KENYA

**IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Civil Appeal 372 of 2005**

**RUTH NJERI GITHINJI ..... APPELLANT**

**VERSUS**

**KIBUI MUTUNGU HANNIEL .....RESPONDENT**

**RULING**

In this application dated 23<sup>rd</sup> June, 2005, the Applicant/Respondent in this Appeal seeks an Order that the Appeal herein be struck out with costs. It is supported by an affidavit sworn by the Applicant. However, none of the seven exhibits to the affidavit have been commissioned in accordance with the Oaths and Statutory Declarations Act, Cap. 15. Accordingly, the affidavit in support is incomplete and cannot be relied upon, and this renders the entire application to be irregular.

The said application is, therefore, struck out with costs to the Respondent.

Dated and delivered at Nairobi this 17<sup>th</sup> day of May, 2007.

**ALNASHIR VISRAM**

**JUDGE**