



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT ELDORET
CIVIL APPEAL 84 OF 2004
REV. PHILIP KAKVOJI ANDOVE
EXECUTIVE OFFICER P.A.G. CHURCH
OF KENYA:.....APPELLANTS
VERSUS**

**REV. TOM LIDWEYE
SAMWEL ONGERI:.....RESPONDENT
R U L I N G**

The Respondent/Applicant has filed this application seeking for direction and that the appellant be ordered to give security for the costs of the appeal and in the alternative the appeal be dismissed with costs.

The Respondent did not file replying affidavit and or grounds of opposition. Having proceeded exparte.

This appeal was filed on 23rd August,2004. Mr. James Njuguna the counsel for the respondent deponed in the supporting affidavit that his firm was served with the memo of appeal in September 2004. Since then no record of appeal or any other steps have been taken. Appeal not admitted for hearing. He said appellants have filed two other appeals in Nakuru High Court from the same case.

I have considered application and find it reasonable. I allow the same and make the following orders:-

1. Appeal admitted for hearing.

2. The appellant to prepare and file record of appeal within 30 days after which they should prosecute the appeal within 60 days of filing their Records.
3. Appellant to deposit in court the sum of Shs.30,000/= as security to costs within 30 days from today's date.
4. In default of any one of the above orders the appeal to stand dismissed without any further application with costs to respondent.
5. Costs of this application to respondent.

Dated and Delivered at Eldoret this 19th day of June,2007.

KABURU BAUNI
JUDGE