

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

Civil Appeal 59 of 1997

DANIEL MBURUGU..... APPELLANT/REPOENDENT

VERSUS

STANLEY K. MWITHIMBU.....RESPONDENT/APPLICANT

R U L I N G

1. The Application dated 26.4.2007 seeks orders that the Appeal herein be dismissed for want of prosecution.

2. The reasons are set out in a Ruling delivered simultaneously with a related Appeal and dismissed i.e. HCCA 61/97. A Similar application as the instant one was argued in that Appeal.

3. For the reasons therefore given in the Ruling within HCCA 61/97 viz that no directions in terms of Order XLI rule 8B were taken then no orders under Order XLI rule 31 can be granted.

4. I shall dismiss the Application with further orders that each party should bear its own costs and will further order that the Ruling in HCCA 61/97 be placed as part of the record in this Appeal.

5. Orders accordingly.

Dated signed and delivered this 24th Day of July 2007.

ISAAC LENAOLA

JUDGE

In the presence

Mr. Onyambu Advocate for the Appellant

N/A Advocate for the Respondent

ISAAC LENAOLA

JUDGE