

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NYERI

Civil Appeal 52 of 2000

JOSEPH NDERITU IHUTHIAAPPELLANT

Versus

JASON ISIAGA ALIMASA.....RESPONDENT

RULING

This appeal was before me for consideration of its dismissal under Order XLI Rule 31 of the Civil Procedure Rules when Mr. Mburu, Counsel holding brief for Mr. Kinyua Kiama for the Appellant asked that the appeal be marked abated instead of being dismissed because the Respondent has died and that this court to order release to the Appellant of the sum of money Kshs. 100,000/- deposited in the joint names of advocates then on record, at Barclays Bank of Kenya at Karatina, together with, I suppose, all interest accruing up to the date of payment.

I have considered the matter and do hereby grant what

Mr. Mburu has said as stated above.

Dated this 15th day of June, 2006.

J. M. KHAMONI

JUDGE