



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

**MILIMANI LAW COURTS**

**Civil Suit 983 of 2005**

**JOSEPH MWANGI MUNYUA & 3 OTHERS ..... PLAINTIFF**

**VERSUS**

**GEORGE MWAI MBURU ..... DEFENDANT**

**RULING**

This is an application for review, made under Order 44 of the Civil Procedure Rules, of the Orders of this Court made on 1<sup>st</sup> December, 2005. The application is supported by an affidavit, but the Order sought to be reviewed, has not been annexed to the application. This is a mandatory requirement. It has been so held in many cases, including *Gulamhusein M. Jivanji vs Ebrahim Jivanji & Another (1929 – 30) 12 E. A. C. A. 41* and *Bernard Githii vs Kihoto Farmers Company Limited, Nairobi HCCC No. 32 of 1974 (UR)*.

Accordingly, this application is incompetently before this Court, and for that reason alone, it is dismissed with costs to the Respondent.

Dated and delivered at Nairobi this 16<sup>th</sup> day of October, 2006.

**ALNASHIR VISRAM**

**JUDGE**