

**IN THE HIGH COURT OF KENYA
AT MOMBASA**

Civil Appeal 55 of 1993

JAMES KALUKO KYALOAPPELLANT

VERSUS

KARISA CHARO NYAMAWIRESPONDENT

R U L I N G:

Upon hearing Counsel for the Applicant and upon reading the application, the grounds in support with affidavit and the Respondent's grounds of opposition and authorities referred to, I am satisfied that in interest of justice the dispute should be determined by court. It relates to land.

The respondents shall be compensated in throw away costs. I therefore allow application and order the Applicant to pay to the Respondent all throw away costs to be agreed upon or taxed.

Dated at Mombasa this 28th day of September 2005.

J. KHAMINWA

J U D G E

Later after ruling is signed, Mr. Jengo appears.