

IN THE HIGH COURT OF KENYA AT KISII

CIVIL APPEAL NO.87 OF 2002

BENSON OTIENO ADOYO APPELLANT

VERSUS

1. PHILIP JUMA OJIJO)

2. GEORGE ADHA ADONGO) RESPONDENTS

RULING

I have considered the application. There was no reply to the same. Indeed the appeal was admitted for hearing on 29/5/02. Since then the appellant did not take any steps to have the appeal heard. He is not interested on the same. Even after he was served with this application its true he did not even bother to file a replying affidavit or grounds of opposition.

The application is therefore allowed. Appeal is dismissed with costs.

KABURU BAUNI

JUDGE.

9/2/04

Delivered in presence of Mr. Ondari H/B for Mr. Osoro.

KABURU BAUNI

JUDGE