REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CIVIL APPEAL NO.237 OF 2001

MAYIEKA ORIKU)
MAINA NYACHUBA) ……. APPELLANTS
OBUCHI OMBOTO)

VERSUS

MORAA ORINA) …… RESPONDENTS
NYACHIO ONCHONGA)

RULING:

The applicant JULIUS MAKORI's application is for court to review decree/judgment dated 16th May 2002. He further prays that his name be expunged from record as one of the appellants.

It was submitted that applicant was sued with others in Kisii CMCC 271 of 2001. Later the Respondent who was the plaintiff in that suit withdrew the case against the applicant.

Application was opposed.

I have carefully considered the submissions. Indeed the Respondent withdrew the case against the applicant in the lower court. However it is the applicant who brought this appeal against the Respondent. True he did so with another but he has to prosecute his appeal.

Secondly there is no decree or order of the judgment the applicant want reviewed attached. Order 44 rule 1 of CPR is very clear. The applicant should have had a decree drawn and attached to his application. This was not done and as such there is nothing for this court to review. In fact even the said judgment of 16/5/2002 is not annexed.

From the above the application is dismissed with costs.

KABURU BAUNI
JUDGE
27/5/04

Delivered on 27th May 2004 in presence of applicant.

KABURU BAUNI
JUDGE