

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 193 OF 1999

SABASTIAN NYAGA KIBACHU.....PLAINTIFF

VERSUS

DANCANT NYAGA KAMUTU.....DEFENDANT RULING

This is an application for dismissal of the appeal for want of prosecution. The appellants have not taken any action to prosecute the appeal since 24.5.99 when the appeal was filed. They have not explained the reason for delay. They have not headed the notices from the Deputy Registrar requiring them to file copy of the decree or order. The appellant do not deny the Respondents claim for shs 57,000. All they say is that there was agreement to pay the money by installments. In the circumstances it is just to terminate this appeal at this stage.

Consequently I allow the application dated (filed) on 24.3.2000 with costs and dismiss the appeal with costs as prayed.

E. M. Githinji

JUDGE

14.1.2003