

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 475 OF 2000

KAMBAA TEA FACTORY CO. LTD.APPLICANT
VERSUS
SIMON KAMAU MWANGIRESPONDENT
J U D G M E N T

Counsel for both parties agree that there is no decree from which this appeal has been lodged included in the record of appeal and this offends the provisions of Order XLI rule 1A of the Civil Procedure Rules.

This being the position the appeal is not competently before this court and there is no need going through and discussing other grounds of appeal set out in the memorandum and submitted upon in this court.

The appeal is struck out with costs.

Delivered this 25th day of February, 2003.

D.K.S. AGANYANYA
JUDGE