

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL COURTS
CIVIL CASE NO.1027 OF 2000

**NATIONAL INDUSTRIAL CREDIT BANK
LIMITED.....PLAINTIFF**

VERSUS

GEORGE WAKARO KUHORA.....DEFENDANT

R U L I N G

This application has been brought under Section 3A of the Civil Procedure Act, Order IXB Rules 1, 3 and 8; Order XLIV Rule 1(1) (a) and Order XXI Rule 22(1) of the Civil Procedure Rules for the following orders:-

- “1. THAT the decision and orders made in this matter on the 30th May, 2001, in respect to the suit herein be varied, reviewed and/or set aside.***
- 2. THAT the plaintiff’s application dated 17th April, 2001, be fixed for hearing de novo on merit.***
- 3. THAT there be a stay of any proceedings for taxation of the plaintiff’s bill of costs herein and/or there be stay of execution in this suit until hearing and determination of this application.”***

Accordingly in as much as the applicant has failed to extract the order sought to be reviewed and to annex it to the application, the application fails and is ineffective. I would therefore direct that the appeal stands dismissed with costs.

Dated at Nairobi this 20th day of November, 2001.

T. MBALUTO

JUDGE