



REPUBLIC OF KENYA



**Amref Health Africa v Andaya (Civil Appeal 159 of 2023)
[2024] KEHC 6912 (KLR) (10 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6912 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL 159 OF 2023
RE ABURILI, J
JUNE 10, 2024**

BETWEEN

AMREF HEALTH AFRICA APPELLANT

AND

BISHOP OWIRA ANDAYA RESPONDENT

*(Arising from the Judgment and decree of Hon. G. C. Serem RM
in Kisumu SCC No. 97 of 2023 rendered on 26th July 2023)*

RULING

1. This appeal was struck out for being filed out of time. There is no application seeking to reinstate the appeal.
2. However, as the Applicant has sought to withdraw the application dated 17th April 2024 and there is no objection, the application dated 17th 2024 is hereby marked as wholly withdrawn with no orders as to costs.
3. On the consent dated 13th February 2024, this court is unable to adopt it as it does not revive the appeal which was struck out on 12th February 2024.
4. Accordingly, this file remains closed until and unless it is reopened with an application to reinstate the appeal which was struck out on 12th February 2024.
5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 10TH DAY OF JUNE, 2024

R. E. ABURILI

JUDGE

