



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, TUNOI & SHAH, J.J.A.)
CIVIL APPLICATION NO. NAI. 5 OF 1999**

BETWEEN

KAMLESH MANSUKHLAL DAMJI PATTNIAPPLICANT

AND

NASIR IBRAHIM ALI

DINKY INTERNATIONAL SA

WORLD DUTY FREE COMPANY LIMITED

T/A KENYA DUTY FREE COMPANYRESPONDENTS

**(Application for stay of the ruling and all orders in the
High Court of Kenya at Nairobi, (Ole Keiwua, J.)
dated 31st December, 1998**

in

H.C.C.C. NO. 418 OF 1998)

RULING OF THE COURT

We have before us, an application for stay of orders made by the superior court (Ole Keiwua, J.), brought under rule 5 (2) (b) of the Rules of this court whereby the learned judge terminated the appointment of the receiver appointed by the court and also set aside, effectively, the order of the receivership.

We are appalled by the manner in which the proceedings before the learned judge were conducted and concluded. It is apparent from the record that all elementary rules of procedure were flouted. No court worth its salt can allow orders obtained in this manner to stand regardless of the magnitude of the allegations made against any of the litigants.

Accordingly, we allow this application and stay all the orders made by the learned judge on the 31st day of December, 1998. In the result, we reinstate Mr. Charles Kariuki Gathungo as receiver of World Duty Free Company t/a Kenya Duty Free with immediate effect.

The considered reasons for this ruling will be delivered on Friday, the 19th February, 1999, at 9:00 a.m.

Dated and delivered at Nairobi this 15th day of January, 1999.

R. O. KWACH

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGE OF APPEAL

A. B. SHAH

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR