

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
(CORAM: KWACH, OMOLO & OWUOR, J.J.A.)
CIVIL APPEAL NO. 201 OF 1997
BETWEEN

MUMIAS AGRICULTURAL TRANSPORTAPPELLANT
AND
SONY AGRICULTURAL LIMITEDRESPONDENT

JUDGMENT OF THE COURT

It is agreed by counsel for both parties that no trial at all took place. Accordingly we allow this appeal set aside the judgment and decree of Tanui J and remit the case back to the superior court at Kisumu for hearing de novo according to law. We make no order as costs.

Dated and delivered at Kisumu this 17th day of March, 1999.

R. O. KWACH

JUDGE OF APPEAL

R. S. C. OMOLO

JUDGE OF APPEAL

E. OWUOR

JUDGE OF APPEAL

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

DEPUATY REGISTRAR