

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, TUNOI & LAKHA, J.J.A.)
CIVIL APPLICATION NO. NAI. 105 OF 1997
BETWEEN

WATAHI KAIRU APPLICANT
AND
RAHAB WAMBUI WAWERU RESPONDENT

**(Application to strike out a Notice of Appeal in an intended Appeal from
Judgment of the High Court of Kenya at Nairobi (Mr. Justice Khamoni) dated
15th November, 1990**

**in
H.C.C.(OS) NO. 3195 OF 1981)**

RULING OF THE COURT

As extension of time to serve the Notice of Appeal on the applicant was given by this Court on 24th October, 1997, in Civil Application No NAI 150/97, this application cannot succeed. It is accordingly dismissed with no order as to costs.

Dated and delivered at Nairobi this 23rd day of March, 1999.

R. O. KWACH

JUDGE OF APPEAL

P. K. TUNOI

JUDGE OF APPEAL

A. A. LAKHA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR