

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, TUNOI & LAKHA, J.J.A.)
CIVIL APPEAL (APPLICATION) NO. 183 OF 1998
BETWEEN

BONIFACE KAGUO MWANGI 1ST APPLICANT
CONTRATOURS LIMITED 2ND APPLICANT

AND

SANKEN LIMITED RESPONDENT

RULING OF THE COURT

This is an application under rule 80 of the Rules of this Court to strike out the notice of appeal and the appeal for breach of the provisions of rule 85(1)(d) in that the record of appeal does not include the full proceedings. These proceedings are admittedly not included in the record and it is not for the appellant to decide whether a document is relevant or necessary in view of sub-rule 85(3) of the Rules. Accordingly, the application succeeds. The appeal is struck out with costs including the costs of the motion filed on 26th November, 1998.

Made and delivered at Nairobi this 27th day of April, 1999.

R.O. KWACH

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JUDGE OF APPEAL
P.K. TUNOI

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JUDGE OF APPEAL
A.A. LAKHA

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JUDGE OF APPEAL

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