



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**CORAM: OMOLO, SHAH & OWUOR, J.J.A.**  
**CIVIL APPEAL NO. 231 OF 1998**  
**BETWEEN**

**CITY FINANCE LTD .....APPELLANT**  
**AND**  
**ANNE MUMBI HINGA**  
**STEPHEN NGETHE HINGA**  
**SAMSON KEENGU NYAMWEYA**  
**SAMSON MOGIKOYO NYARANGI .....RESPONDENTS**

**Appeal from a judgment of the High Court of Kenya at Nairobi**  
**(Mbitio J) dated 21st October, 1994**  
**in**  
**H.C.C.C. NO. 4292 OF 1991)**  
**\*\*\*\*\***  
**ORDER OF THE COURT**

We must restate to all the counsel present that this Court looks with disfavour applications for adjournment on grounds such as those pleaded here. If parties wish to instruct counsel to lead or such like things, they must learn to do so within a reasonable time and we would once again warn counsel that they ought not to take briefs with the hope that adjournment will be given to them for the asking. We reluctantly adjourn the matter but before we do so, we order that the first respondent, Anne Mumbi Hinga, be substituted in place of the deceased, second respondent Stephen

Ngethe Hinga. We adjourn the appeal to a date to be fixed in the registry. The first and fourth respondents shall pay the costs of to-day to the appellant.

**Made at Nairobi this 27th day of May, 1999.**

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**A. B. SHAH**

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**JUDGE OF APPEAL**

**E. OWUOR -----**

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**