

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
CORAM: OMOLO, J.A. (IN CHAMBERS)
CIVIL APPLICATION NO. NAI 105 OF 1999
BETWEEN
NGANGA GICHURI
DAVID KIHANYA NGANGAAPPLICANTS
AND
NDUNGU NGANGARESPONDENT**

R U L I N G

The applicants' previous appeal was struck out on the 21st April, 1999. This motion was filed in court on the 6th May, 1999. The applicants acted with reasonable speed after their ill-fated appeal was struck out. The respondent though served with to-day's hearing, are not here to oppose the motion. In fact they have not even filed an opposing affidavit. Accordingly, I allow the motion and make the following orders:-

- 1.The applicants must file and serve a fresh notice of appeal within seven days of the date hereof.
- 2.The applicants must file their record of appeal within twenty-one days from the date of filing the notice of appeal.
- 3.The costs of this motion shall be in the intended appeal.

Dated and delivered at Nairobi this 29th day of September, 1999.

R. S. C. OMOLO

JUDGE OF APPEAL

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