

REPUBLIC OF KENYA

COURT OF APPEAL AT NYERI

civ app 268 of 98

KIRIMI M'MUNA.....APPELLANT

AND

PETER RIUNGU.....RESPONDENT

ORDER OF THE COURT

The "Order" against which this appeal is filed is undated and drawn up in a total disregard of what a "decree" should read. This is a primary document. In addition there is no certified copy of the decree of the Magistrate's Court. This again is a primary document to be included in the record of appeal under rule 85(2) of the Rules of this Court as read with rule 85(1) and rule 85(2A) cannot permit lodgment of such document by way of a supplementary record. It is on these basis that we refuse to grant the adjournment sought. The appeal being incompetent an adjournment will not help. This appeal is struck out but with no order as to costs.

Made and dated at Nyeri this 28th day of October, 1999.

R.O. KWACH

JUDGE OF APPEAL

A.M. AKIWUMI

JUDGE APPEAL

A.B. SHAH

JUDGE OF APPEAL

I certify that this is

a true copy of the original.

DEPUTY REGISTRAR.