



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NYERI**  
**CORAM: KWACH, SHAH & BOSIRE, J.J.A.**

**CIVIL APPLICATION NO. NAI 261 OF 1999 (NYR 20/99)**  
**BETWEEN**

**MWANIKI KIBUI .....APPLICANT**

**AND**

**JANE WERU (Administrix of Weru Karuri) .....RESPONDENT**

**(Application for striking out the notice of appeal from an order of the High Court of Kenya at Meru (Kuloba J) dated 29th March, 1993**

**in**

**H.C.C.R.A. NO. 10 OF 1991)**

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**RULING OF THE COURT**

This is an application for striking out of the notice of appeal lodged in the High Court at Meru on 8th April, 1993, on the ground that the essential step of lodging the record of appeal has not been taken. The applicaiton is not opposed, quite rightly in our view. The notice of appeal dated 8/4/93, lodged in Meru H.C.C.C. NO. 10 of 1991 is hereby ordered struck out. The applicant will have costs of this application.

**Dated and delivered at Nyeri this 29th day of October, 1999.**

**R. O. KWACH**

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**JUDGE OF APPEAL**

**A. B. SHAH**

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**JUDGE OF APPEAL**

**S. E. O. BOSIRE**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**