

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: AKIWUMI, SHAH & BOSIRE, J.J.A)
CIVIL APPLICATION NO. 224 OF 1999

BETWEEN
JASWANT SINGH DHINGRAAPPLICANT
AND
JASWINDER DHINGRARESPONDENT

(An application to strike out Notice of Appeal filed herein on 18th day of December, 1998 in an intended appeal from the ruling of the High Court of Kenya at Nairobi (Hon. Justice Owuor) dated 9th December, 1998

in
Succession Cause No. 2572 of 1996)

RULING OF THE COURT

The respondent filed a notice of appeal on 18th December, 1998, declaring his intention to appeal against the decision of the superior court in its Succession Cause No. 2572 of 1996. To date the respondent has neither filed a record of appeal nor applied for extension of time within which to file the same. In the circumstances it is quite clear that he went to sleep and the applicant has quite properly applied to have the notice of appeal struck out. We accordingly order that the notice of appeal filed in Court on 18th December, 1998 be struck out with costs to the applicant.

Dated and delivered this 16th day of November, 1999.

A. M. AKIWUMI
.....
JUDGE OF APPEAL

A.B. SHAH
.....
JUDGE OF APPEAL

S.E.O BOSIRE
.....
JUDGE OF APPEAL

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