

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
(CORAM: CHESONI, C.J. GICHERU & OMOLO, J.J.A.)
CIVIL APPLICATION NO. NAL. 99 OF 1997 (KSM 10/97)
BETWEEN

NAFTAL O. NYAGWACHIAPPLICANT
AND
PAVE AUCTIONEERSRESPONDENT

(Application to strike out the Notice of Appeal in an intended Appeal from the Judgment of the High Court of Kenya at Kisii (Justice Mbaluto) dated 28th June, 1994

in

H.C.C.C. NO. 28 OF 1988)

RULING OF THE COURT

The Notice of appeal in this matter was filed and served out of time. Mr. Menezes for the respondent concedes to this.

In the result the said Notice of Appeal is struck out with costs to the Applicant.

Dated and delivered at Kisumu this 25th day of March, 1998.

Z. R. CHESONI

.....

CHIEF JUSTICE

J. E. GICHERU

.....

JUDGE OF APPEAL

R. S. C. OMOLO

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.