

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT KISUMU

(CORAM: OMOLO, TUNOI & SHAH, JJ.A.)

CIVIL APPLICATION NO. NAI. 281 OF 1997 (KSM 12/97)

BETWEEN

PAUL O. MOKAYA APPLICANT

AND

ELLY ODUOR OGWENO RESPONDENT

RULING OF THE COURT

By this application the applicant seeks an order for striking out of a notice of appeal allegedly lodged in the court below on 24th November, 1994. There is no such notice of appeal in the record before us. This application is totally misconceived and is dismissed but with no order as to costs.

Dated and delivered at Kisumu this 26th day of March, 1998.

R. S. C. OMOLO

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGE OF APPEAL

A. B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.