



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT KISUMU**

CIVIL APPEAL 130 OF 1996

CALISTUS OCHIENO OYALO suing as next friend

- 1. SYLVIA OCHIENO OYALO
- 2. KEVINA OCHIENO OYALO
- 3. XAVIOUR OCHIENO OYALO
- 4. VICTORIA AUMA.....APPELLANTS

AND

- 1. MR. AOKO
- 2. MRS. AOKO.....RESPONDENTS

(Appeal from the ruling of the High Court of Kenya at Kakamega (Tanui, J.) dated 26th July, 1995.

IN

H.C.C.C. NO. 17 OF 1994)

JUDGMENT OF GICHERU, J.A.

I have had the advantage of reading in draft the judgments of Chesoni, C.J. and Omolo, J.A. and I agree that this appeal be allowed in terms of the orders proposed by Omolo, J.A.

Dated and delivered at Kisumu this 16th day of June, 1998.

J. E. GICHERU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR