



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAIROBI
Civil Appeal 271 of 1997

LALI SWALEH LALI

FAQIK KAHALE SKEKUWE

KHALID BWANA MBERE

KALUME KATUBU.....

APPELLANTS

AND

STEPHEN MATHENGE WACHIRA

OMAR KHAMISI BALLETH

COMMISSIONER OF LANDS

HONOURABLE ATTORNEY GENERAL.....

RESPONDENTS

(An appeal from a Ruling and Orders of the High Court of Kenya at Nairobi (Mr. Justice Ole Keiwa) dated 31st July, 1997

in

H.C.C.C. NO. 3374 OF 1994)

RULING OF THE COURT

Having heard the rival submissions of counsel for the parties to this application, we allow the application as prayed in the Notice of Motion dated 5th June, 1998. Consequently, paragraphs 1, 2, 4 -10, 12 -31, 34 - 40, 42 - 43, 45 - 48, 55 - 58, 60 and 62 - 75 in the Memorandum of Appeal are struck out. We reserve our reasons and we shall give them in our judgment.

Made at Nairobi this 10th day of June, 1998.

J. E. GICHERU

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGE OF APPEAL

G. S. PALL

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR