



REPUBLIC OF KENYA
IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: GICHERU, PALL & OWUOR J.J.A.)

CIVIL APPEAL NO. 125 OF 1998

BETWEEN

EURO BANK LIMITED.....APPELLANT

AND

DR JULIUS GIKONYO KIANO.....RESPONDENT

(Appeal from a ruling and order of the High Court of Kenya at Nairobi (Hon. Mr. Justice J.M. Khamoni) dated 29th April, 1998 in H.C.C.C. NO.501 OF 1998)

RULING OF THE COURT

The respondent has applied by this notice of motion that this appeal be struck out as it does not carry a certified copy of the decree. But this appeal is not against any decree. It is against the ruling of the superior court dated 29th April, 1998. In fact the suit is still pending for trial in the superior court. There is no merit in this application. It is hereby dismissed with costs.

Made this 21st day of October, 1998.

J.E. GICHERU

JUDGE OF APPEAL

G.S. PALL JUDGE OF APPEAL

E. OWUOR

JUDGE OF APPEAL

I certify that this is a true

copy of the original.

DEPUTY REGISTRAR

