



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(Coram: Gicheru, Shah & Owuor JJ.A)

CIVIL APPLICATION NO. NAI. 58 OF 1998 (20/98 UR)

BETWEEN

1. SUN AND FUN LIMITED APPLICANT/2ND DEFENDANT

2. MAYUNGU RESTAURANT LTD APPLICANT/3ND DEFENDANT

AND

1. SAMUEL KANOGO RITHO R2.E SP ONMDAELNITN/DPIL AIDNHTOIWF F LIMITED RESPONDENT/1ST DEFENDANT

(Application for stay of execution pending hearing and determination of an appeal from the ruling of the High Court of Kenya at Nairobi (Hon. Justice Kuloba) dated 30th September, 1997

in

H.C.C.C No. 4403 of 1994)

RULING OF THE COURT

Dr. Khaminwa wishes to withdraw the applicants' Notice of Motion dated 13th of March 1998. There is no provision in our Rules for withdraw of an application. The matter before us relates to a preliminary objection taken by the respondents.

We order that the applicants' Notice of Motion be and is hereby struck out with costs to the respondents.

Dated and delivered at Nairobi this 6th day of October, 1998.

J. E. GICHERU

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JUDGE OF APPEAL

A. B. SHAH

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JUDGE OF APPEAL

E. OWUOR

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR