

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT KISUMU

CORAM: TUNOI J.A (IN CHAMBERS)

CIVIL APPLICATION NO. 245 OF 1998

BETWEEN

CARDINAL WILSON OWINO

ARCH. BISHOP ALFRED ORIA

BISHOP

VITALISONDIEK.....APPLICANT

AND

POPE TIMOTHY AHITLERRESPONDENT

**(Application for extension of time within which to file
Record of appeal out of time from the decision of
(Hon. Justice I.C.C. Wambilianga) dated 24th May,
1997,
in
H.C.C.C. NO. 115 OF 1995

The counsel for the deceased respondent is absent. I am satisfied he is aware of the hearing date for the notice of motion dated 16th October, 1997. The application for withdrawal cannot be refused in the circumstances. The application is hereby marked as withdrawn. There will be no order as to costs.

Made at Kisumu this 24th day of November, 1998.

P. K. TUNOI

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.