



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA

AT NAIROBI

Civil Appeal 186 of 1995

GICHUHI KIMIRA
APPELLANT

AND

SAMUEL NGUNU KIMOTHO..... 1ST
RESPONDENT

SIMON MUGWERU WATHIRWA.....2ND
RESPONDENT

(Appeal from the Judgment and Decree of the High Court of Kenya at Nairobi (Mr. Justice A.M. Akiwumi) delivered on the 6th October, 1989

IN

H.C.C.C. NO. 880 OF 1977

CONSOLIDATED WITH

H.C.C.C. NO. 908 OF 1977)

RULING OF THE COURT

With due respect to Mr. Muthoga, counsel for the applicant in this reference, we cannot see how the learned single judge of this court erred in settling the terms of the order pursuant to the judgment of this court delivered on 28th April, 1998. We confirm the ruling of Shah, J.A. with which we are in agreement. The order is approved as settled by him. This reference is dismissed with costs.

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

R.S.C. OMOLO

.....

JUDGE OF APPEAL

P.K. TUNOI

.....

JUDGE OF APPEAL

E. OWUOR

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.