



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: KWACH, SHAH & OWUOR JJ.A

CIVIL APPLICATION NO. NAI. 306 OF 1998 (UR. 118/98)

BETWEEN

NYANJA HOLDINGS LIMITED

GEORGE NJAU MBUGUA NYANJA

MRS. ENID N. NYANJA.....APPLICANTS

AND

CITY FINANCE BANK LIMITED.....RESPONDENT

(Being an application for stay of execution in an

intended appeal from a Decision of the High Court of
Kenya at Nairobi (Mr. Justice Kuloba) dated 29/9/98,

in

H.C.C.C. NO. 1965 OF 1991)

RULING OF THE COURT

The application for injunction, filed in the superior court in 1991 (we are now in 1998) was withdrawn on 12th March, 1998. There was, therefore, nothing left to injunct in that court. This application before us is for stay of proceedings in the superior court pending the hearing and determination of an intended appeal.

There is nothing however to stay under rule 5(2) of the Rules of this court. Mr. Kaunda for the applicant applies now to withdraw the application and Mr. Malawa does not object. The application is hereby marked as withdrawn with costs to the respondent.

Dated and delivered at Nairobi this 14th day of December, 1998.

R. O. KWACH

JUDGE OF APPEAL

A. B. SHAH

JUDGE OF APPEAL

E. OWUOR

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.