



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI

CORAM: TUNOI, LAKHA & PALL, JJ.A.

CIVIL APPLICATION NO. NAI 18 OF 1997

BETWEEN

**GEORGE GIKUBU MBUTHIA
LEAH WANJIRU MBUTHIA
PETER MBUTHIA NJUGUNA
PALACE INVESTMENTS LIMITEDAPPELLANTS**

AND

**SMALL ENTERPRISES FINANCE LIMITED
RECEIVER/MANAGER
PALACE DRY CLEANERS LIMITED.....RESPONDENTS**

**(An application for stay of execution and further proceedings
from the ruling of the High Court of Kenya at Nairobi
(Justice Mbogholi-Msagha) dated 16th January, 1997
in**

H.C.C.C. NO. 3088 OF 1994

RULING OF THE COURT

We are satisfied on the facts and submissions presented before us by the applicants that there are no arguable grounds in the intended appeal. Moreover, it has not been shown that if the stay sought is withheld, it would render the intended appeal nugatory in any manner. As we dealt with a similar application based, more or less, on the same facts not more than six months ago, we think that this instant application, to say the least, is manifestly frivolous and amounts to an abuse of the process of the court. We dismiss the application with costs assessed at KShs.4,000/= to be paid within 14 days hereof.

Dated and delivered at Nairobi this 24th day of April, 1997.

P. K. TUNOI

JUDGE OF APPEAL

A. A. LAKHA

JUDGE OF APPEAL

G. S. PALL

JUDGE OF APPEAL

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

DEPUTY REGISTRAR