



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: KWACH, AKIWUMI & SHAH, J.J.A.)

CIVIL APPLICATION NO. NAI. 58 OF 1997 (UR.26/97)

BETWEEN

1. MUGO WAITHAKA

2. NJIHIA MUGO

3. NDUNGU MUGO

4. MWANGI MUGO ..... APPLICANTS

AND

MWAURA GITAU ..... RESPONDENT

(An application for stay of execution pending an Appeal  
from the Judgment/Decree of the High Court of Kenya  
at Nakuru (Justice Rimita) dated 5th day of  
February, 1996

in

H.C.C.C. NO. 111 OF 1989)

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RULING OF THE COURT

The applicants are not by their own admission in occupation of the suit plot LR. Nyandarua/S.Kinangop/750 in respect of which judgment was given, which does not affect the applicants at all. Their application is a waste of time which does not deserve the relief that they seek. Their application for stay is hereby dismissed with costs. The interim stay granted on 1.4.1997 lapses.

Dated and delivered at Nairobi this 11th day of April, 1997.

R. O. KWACH

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JUDGE OF APPEAL

A. M. AKIWUMI

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JUDGE OF APPEAL

A. B. SHAH

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.