

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
CORAM: (BOSIRE AG. JA (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 89 OF 1997

BETWEEN
WILSON ORITO OMUSINAAPPLICANT
AND
1. JOHN KIMOSOP MAINA
2. JAMES MUKOTSWE
3. MUMIAS SUGAR COMPANY LTDRESPONDENT

(Being an application for extension of time to serve
notice of appeal out of time in an intended appeal
from the judgement of the High Court of Kenya at
Nairobi (Justice Mbogholi-Msagha dated 16th
December, 1992

in
H.C.C.C. NO. 3265 OF 1985

RULING

Miss J.A. Guserwa, Counsel on record for the applicant has applied for leave to withdraw this application on the ground that the Notice of Appeal sought to be served out of time was not filed by the applicant but a different person who was also a party in the judgment already appealed against. Mr Balala for the respondents does not have any objection. In the circumstances and for the reasons given by Counsel for the applicant I grant the leave sought and order that the application be marked as withdrawn. The respondent shall have the costs of the application assessed at Kshs.2,000/=.

Dated at Nairobi this 4th day of June 1997.

S.E.O. BOSIRE

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AG. JUDGE OF APPEAL

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

DEPUTY REGISTRAR