

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: LAKHA, J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 238 OF 1996
BETWEEN

MUTUA VUVI

MUTUNE MUSYOKI

KALEE MUTUA APPLICANTS

AND

TITUS NGUI MUTISYA RESPONDENT

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: LAKHA, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 238 OF 1996

R U L I N G

I am satisfied that this is a fit and a proper application for the exercise of my unfettered discretion. There has been no inordinate or any unreasonable delay in filing this application after the appeal was struck out on 29th April, 1996.

I, therefore, grant the application as prayed. Notice of Appeal within 7 days and the record within 30 days thereafter.

The applicants shall pay the costs of this application to the respondent in any event.

Made at Nairobi this 9th day of May, 1997.

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

