

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: GICHERU, OMOLO & LAKHA, JJ.A.)

CIVIL APPLICATION NO. NAI. 108 OF 1997

BETWEEN

KALENJIN ENTERPRISES LTD APPLICANT

AND

JAMES CHERUIYOT

ELIJAH CHELAITE

ALICEN CHELAITE

CHRISTOPHER KOECH & 11 OTHERS RESPONDENTS

RULING OF THE COURT

Notwithstanding the submissions made by Mr. Kiplenge for the applicants we are not satisfied that the applicants have an arguable appeal. This is the first condition on which we have to be satisfied before an application for an injunction under Rule 5(2)(b) of the Rules of this Court can be granted. Accordingly, the application is dismissed with costs.

Made at Nairobi this 4th day of June, 1997.

J.E. GICHERU

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JUDGE OF APPEAL

R.S.C. OMOLO

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JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

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

