



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAIROBI
Civil Appeal 210 of 1996**

**STEPHEN MBUGUA MUCHUI & 149 OTHERS
APPELLANTS**

AND

**MBO-I-KAMITI FARMERS COMPANY LIMITED AND 8 OTHERS
RESPONDENTS**

(Appeal from the Order/Ruling of the High of Kenya at Nairobi (Justice Ole-Keiwua)

delivered on 24th June, 1996

IN

H. C. C. C. NO. 2071 OF 1994)

JUDGMENT OF THE COURT

This is an appeal against the decision of the superior court (Ole Keiwua, J.) given on 24th June 1996 whereby he dismissed the appellants' application for an injunction.

Having heard Mr. Mubea for the appellants we are satisfied that this appeal has no merit. The learned judge was in no error either in principle or otherwise in refusing the injunction. We ourselves find no basis on which such an order could have been made.

Mr. Mubea for the appellants conceded and, in our view rightly, that the grounds of appeal have been spent.

The appeal fails and is dismissed with costs.

Dated and delivered at Nairobi this 12th day of June, 1997.

R. S. C. OMOLO

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

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