

REPUBLIC OF KENYA

**IN THE COURT OF APPEAL
AT NAIROBI**

**(CORAM: OMOLO, LAKHA, J.J.A. & BOSIRE, AG.J.A.)
CIVIL APPEAL NO. 210 OF 1996**

BETWEEN

**STEPHEN MBUGUA MUCHUI & 149 OTHERSAPPELLANTS
AND
MBO-I-KAMITI FARMERS COMPANY
LIMITED AND 8 OTHERSRESPONDENTS**

**(Appeal from the Order/Ruling of the High Court 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