

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAKURU

(CORAM: LAKHA, PALL JJ.A & BOSIRE AG. JA)

CIVIL APPEAL/APPLICATION NO.186 OF 1991

PHILLIP WAMACHO CHEMIATI

WAFULA CHEMIATI

PAUL WEPUKHULU APPELLANT

AND

CHARLES NAKITARE RESPONDENT

**(Appeal from judgment of the High Court of Kenya at
Eldoret (D.K.S. AGANYANYA) dated 10th September,**

1990

in

H.C.C.C. NO. 80 OF 1977

ORDER OF THE COURT

The record of appeal does not include a certified copy of decree, as is mandatorily required by rule 85(1) (h) of the Rules of this court. This appeal is therefore incurably defective. It is therefore incompetent and is ordered struck out but with no order as to costs, as the legal representatives of the deceased respondent had not been substituted.

Dated and delivered at Nakuru this 20th day of February, 1997.

A.A. LAKHA

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JUDGE OF APPEAL

G.S. PALL

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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