



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NYERI
(CORAM: GICHERU, TUNOI & PALL, JJ.A.)
CIVIL APPLICATION NO. NAI. 158 OF 1997 (NYR.9/97)
BETWEEN

1.MARY KIRIGO KAMUNDI

2.DICKSON MUKUNYI KAMUNDI

3.GORDON NDERITU KAMUNDI

4.JAMES PETER NGUNJIRU KAMUNDI APPLICANTS

AND

ESTHER WANGUI KAMUNDI RESPONDENT

(Application for striking out Notice of Appeal from a

Ruling and Order of the High Court of Kenya at Nyeri
(Justice Osiemo) dated 25th July, 1996

in

H.C.C. NO. 183 OF 1995)

RULING OF THE COURT

It is admitted by the counsel for the respondent, Mr. Mwangi, that Notice of Appeal was not served upon the applicants or any of them within seven days period as prescribed by rule 76 of the Court of Appeal Rules.

This application therefore must succeed and is allowed. We hereby strike out the Notice of Appeal lodged on 29th July, 1996 by the respondent. We award the costs of this application to the applicants.

Made at Nyeri this 30th day of October, 1997.

J. E. GICHERU

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**JUDGE OF APPEAL
P. K. TUNOI**

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**JUDGE OF APPEAL
G. S. PALL**

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