

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: LAKHA, J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 198 OF 1997

BETWEEN

GICHERU KAHIU.....1ST APPLICANT

JULIUS GACHII KAHIU.....2ND APPLICANT

JAMES GICHERU.....3RD APPLICANT

AND

MUNIU KAHIU.....RESPONDENT

R U L I N G

Time to file appeal did not expire until 25th August, 1997. The application filed was premature. No explanation in the supporting affidavit to explain delay in mistake. Application is struck out. No order for costs.

Dated and delivered at Nairobi this 3rd day of November, 1997.

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR