



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: GICHERU, TUNOI & SHAH, J.J.A.)
CIVIL APPEAL NO. 131 OF 1997

BETWEEN

OFFICIAL RECEIVER & INTERIM LIQUIDATOR

CONTINENTAL CREDIT FINANCE LIMITED.....APPELLANT

AND

DETO INVESTMENT COMPANY LIMITED.....RESPONDENT

(An appeal from the judgment of the High Court of Kenya
at Machakos (Hon. Justice Mwera) dated 2nd October,
1996
in
CIVIL CASE NO. 100 OF 1994)

RULING OF THE COURT

The record of appeal lodged in this court on 17th June, 1997 does not contain all exhibits produced in the High Court in breach of the mandatory provisions of rule 85 (1)(f) of the Rules of this Court. These documents cannot be included in a supplementary record of appeal as they are excepted by rule 85(2A) of the said Rules. As Mr. Maina, for the respondent, does not in earnest oppose the application brought under rules 80 and 85 of the Rules, we must grant it as prayed in the Notice of Motion dated 4th November, 1997. The appeal is hereby struck-out. We make no order as to costs.

Delivered at Nairobi this 6th day of November, 1997.

J. E. GICHERU

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JUDGE OF APPEAL

P. K. TUNOI

.....

JUDGE OF APPEAL

A. B. SHAH

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR