



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPEAL NO. 241 OF 1997

BETWEEN

JOHN GITHINJI WANGONDU.....APPELLANT

AND

**RAPHAEL GITAU NJAU
REV. FR. RICHARD ODHIAMBO
ANDREW ODWAR
WILLIAM AHONDE
FRANCIS ONJALLA**

KOLPING ORGANISATION OF KENYARESPONDENTS

**(Appeal from the Ruling/Order of the High Court of Kenya at
Nairobi (Hon. Justice Kuloba) dated 6th February, 1997**

in

H.C.C.C. NO. 3065 OF 1996)

JUDGMENT OF THE COURT

This is an appeal from the order of the superior court (Kuloba, J.) given on February 6, 1997 whereby he struck out the five defendants from the suit on the ground that they were office bearers of a corporate body under the Trustees (Perpetual Succession) Act Cap 164. Section 3(3) of that Act provides that the body corporate may sue and be sued in its corporate name. In the circumstances, we are satisfied that the learned judge was right and we have heard nothing in support of the appeal to persuade us that the learned judge erred in principle or otherwise.

In our judgment, this appeal has no merit and is dismissed with costs.

Dated and delivered at Nairobi this 15th day of December, 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

.....

AG. JUDGE OF APPEAL

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

DEPUTY REGISTRAR