

REPUBLIC OF KENYA

IN THE COURT OF APPEAL OF KENYA

AT KISUMU

CIVIL APPEAL 175 OF 1995

STALLION INSURANCE CO. LTD.....APPELLANT

AND

ROSEMARY OLAO.....RESPONDENT

**(Appeal from the Ruling and Order of the High Court of Kenya at Kakamega (B. K. Tanui, J.)
delivered on the 16th day of June, 1995**

IN

H.C.C.C. NO. 593 OF 1993

RULING OF THE COURT

In this appeal the record does not include several exhibits in breach of the mandatory provisions of Rule 85(1) (k) of the Rules of this Court. Such an omission is fatal and renders the appeal incurably incompetent since they may not be included in a supplementary record: See Rule 2A.

Mr. Kasamani conceded and, in our opinion, rightly that the appeal should be struck out. Accordingly, we order that the appeal be and is hereby struck out with no order as to costs.

Made at Kisumu this 19th day of March, 1996.

R. S. C. OMOLO

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JUDGE OF APPEAL

A.M. AKIWUMI

.....

JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR