



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**(CORAM: GICHERU, OMOLO & SHAH, JJ.A.)**

**CIVIL APPEAL NO. 110 OF 1992**

**BETWEEN**

**1. JOSEPH MWANIKI MURIMI**

**2. PETER MAINA MURIMI ..... APPELLANTS**

**AND**

**1. MWANGI NDERE**

**2. MWEA GOCHO ..... RESPONDENTS**

**(Appeal from the Judgment and Order of the High Court of Kenya at Nairobi - Mrs.**

**Justice Lady Aluoch dated 19th December, 1990**

**in**

**Civil Appeal No. 56 Of 1988)**

**\*\*\*\*\***

**RULING OF THE COURT**

The appeal is wholly incompetent and there is nothing to withdraw. The "Order" at page 47 of the record is the one purportedly appealed against. It is not certified. Again this is a third appeal to us. Under section 72 (2) of the Civil Procedure Act, the appeal does not lie to this court. We accordingly order the appeal struck out as incompetent but we make no order as to costs.

Dated and delivered at Nairobi this 23rd day of April, 1996.

**J. E. GICHERU**

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**JUDGE OF APPEAL**

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**A. B. SHAH**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**