



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OMOLO, AKIWUMI & LAKHA, JJ.A.)

CIVIL APPLICATION NO. NAI. 313 OF 1995

BETWEEN

STEPHEN KAGOOIYO.....1ST APPLICANT

DANIEL MUCHOKI.....2ND APPLICANT

AND

JOSEPH WAITHAKA KABAI.....1ST RESPONDENT

KAHATA MUCHAU.....2ND RESPONDENT

CHARLES KABOCHI NJEMA.....3RD RESPONDENT

GUCHU KIBARA t/a MATUU BUS SERVICE.....4TH RESPONDENT

(Application to strike out Notice of Appeal from the Judgment
of the High Court of Kenya at Nairobi (Justice Ringera) dated

6th March, 1995

in

H.C.C.C. NO. 4089 OF 1988)

RULING OF THE COURT

This is an application to strike out the Notice of Appeal 410 lodged in Court on 16th March, 1995 as an essential step in the proceedings has not been taken.

Judgment of the superior court was delivered on 6th March, 1995; Notice of Appeal was filed on 16th March, 1995 and the proceedings of judgment were ready and available on 20th September, 1995 but no appeal has been filed to date. The time for filing appeal has now lapsed.

Accordingly, the application succeeds and the Notice of Appeal lodged in Court on 16th March, 1995 is struck out with costs.

Dated and delivered at Nairobi this 29th day of April, 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