



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL OF KENYA**

**AT NYERI**

**Civil Appeal 230 of 1995**

**MUTAHI WATATA.....APPELLANT**

**AND**

**MUTAHI IRUNGU.....RESPONDENT**

**(An appeal from the orders of the High Court of Kenya at Nyeri (Lady Justice Ang'awa) dated  
22<sup>nd</sup> June, 1995**

**IN**

**H. C. C. C. NO. 114 OF 1984)**

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

**JUDGMENT OF THE COURT**

In this appeal, judgment was entered in terms of the award. Under O.43r.17(2) no appeal shall lie. Accordingly, the appeal from the decree is incompetent. It was submitted that the appeal was from an application of review. This is an attempt to circumvent the law. We do not find that there is any error apparent on the face of the record. No new matter has been raised. In the result, the refusal of the application by the learned Judge was fully justified. Accordingly, the appeal fails and is dismissed with costs.

**Dated and delivered at Nyeri this 17<sup>th</sup> day of May, 1996.**

**R. O. KWACH**

.....

**JUDGE OF APPEAL**

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**A. A. LAKHA**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**