



**IN THE COURT OF APPEAL
AT NAIROBI
CORAM: KWACH, AKIWUMI & SHAH, J.J.A.
CIVIL APPEAL NO. 181 OF 1993**

BETWEEN

KENNETH IMBAHALE AKIBAYAAPPELLANT

AND

**1. CITY COUNCIL OF
NAIROBI**

2. VALLABHDAS KARSANDAS RANIGA.....RESPONDENTS

**(Appeal from a Ruling of the High Court of Kenya at
Nairobi (Justice Mango) dated 10th March, 1992**

in

H.C.C.C. NO. MISC.359 OF 1984)

JUDGMENT OF THE COURT

Mr Akibaya has applied for this appeal to be adjourned as he objects to the participation of Akiwumi & Shah, J.J.A and also because he wants the appeal to be heard by a 5-judge bench.

We reject the application as we consider it absolutely frivolous. Mr Akibaya then decided to gather his papers and leave the Court. That apart, we are informed by Mr Khan that this appeal has been overtaken by events as the subject matter of the suit namely Plot L.R. No. 37/566 Nairobi has been ordered transferred to and registered in the name of Mr V.K. Raniga, the second respondent following the judgment of this Court in Civil Appeal No. 126/91. In the circumstances, we see no merit in this appeal and we order it to be dismissed with costs to the respondents.

Dated and delivered at Nairobi this 30th day of September, 1996.

R.O. KWACH

.....

JUDGE OF APPEAL

A.M. AKIWUMI

.....

JUDGE OF APPEAL

A.B. SHAH

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR