

**IN THE COURT OF APPEAL
AT NAIROBI**

CIVIL APPEAL NO. 3 OF 1994

LAKE VICTORIA FISH LTD

-VS-

CHOTU PABARI T/A PABARI HARDWARE

P.T KIIRU.....FOR APPELLANT

J.K. MAANGI (MRS).....FOR RESPONDENT

ORDERS OF THE COURT

The original record of appeal was filed without inclusion of a certified copy of the order appealed against. The appeal is therefore incurably defective. The attempt to file a supplementary record of appeal does not cure the defect as Rule 852(A) of the Rules of this court does not allow filing of such a supplementary record. The appeal is therefore struck out with no orders as to costs. No costs are awarded as there has been no application to that effect by the respondent under rule 80 of the Rules of this court.

Dated and delivered at Nairobi on this 26th day of September, 1996

R.O. KWACH

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JUDGE OF APPEAL

A.M. AKIWUMI

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JUDGE OF APPEAL

A.B. SHAH

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JUDGE OF APPEAL