

REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT MOMBASA

Civil Appeal 119 of 1996

BAMBURI PORTLAND CEMENT COMPANY LIMITED.....
.....APPELLANT

AND

MRS. PHILEMON OYIGO.....
....RESPONDENT

(Appeal from a judgment and decree of the High Court of Kenya at Mombasa (Wambiliyangah, J.)
dated 21st November 1995

IN

H.C.C.C. NO. 331 OF 1989)

JUDGMENT OF TUNOI, J.A.

I have had the advantage of reading in draft the judgement of Omolo, J.A. I entirely agree with all that he has said and I have nothing useful to add.

This appeal should be dismissed with costs.

Dated and delivered at Nairobi this 11th day of October, 1996

P.K. TUNOI

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR