



**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, TUNOI & PALL JJ.A)
CIVIL APPEAL NO.54 OF 1994**

BETWEEN

GABRIEL NYANGATE.....APPELLANT

AND

KINENI FARMERS CO-OPERATIVE

SOCIETY LIMITED.....1ST RESPONDENT

SAMWEL NYARUNDA.....2ND RESPONDENT

(Appeal from a judgment of the High Court of Kenya at Nairobi (Mr Justice Githinji) dated 22nd May, 1992 MIS. APP. NO.535 OF 1991)

JUDGMENT

There is no certified copy of the order appealed against before us. The appeal is therefore incompetent being in breach of rule 85(1)(h). It is hereby struck out. The Appellant will pay Shs.5,000/= as the Respondent's costs of the appeal payable within 7 days.

Dated and delivered at Nairobi this 24th day of October, 1996.

R.O. KWACH

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JUDGE OF APPEAL

P.K. TUNOI

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JUDGE OF APPEAL

G. S. PALL

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR