



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM OMOLO, TUNOI & PALL JJA)

CIVIL APPEAL NO. 119 OF 1994

BETWEEN

JEROME MWATHI KAUMBULU

PROFESSOR J. K. MAITHA.....APPELLANTS

AND

SILA HUSYIMI NDOLO.....RESPONDENTS

**(Appeal from the ruling of the High Court of Kenya sitting at Machakos (Hon. Justice Osiemo)
dated 7th June, 1994**

in

H.C.C.C. NO. 56 OF 1994 (O.S))

ORDER OF THE COURT

The record of appeal lodged in this court on 18th July, 1994 does not incorporate a certified copy of the order sought to be appealed against contrary to rule 85(i)(h) of the Rules of this Court. The appeal therefore is rendered defective and incompetent. In the circumstances it is struck out. We make no order to costs.

Dated and delivered at Nairobi this 17th day of October, 1996.

R. S. C. OMOLO

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JUDGE OF APPEAL

P. K. TUNOI

.....

JUDGE OF APPEAL

G. S. PALL

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JUDGE OF APPEAL