



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OMOLO, TUNOI & PALL, J.J.A.)

CIVIL APPEAL NO. 69 OF 1994

BETWEEN

JULIUS KANYINGI MWANGI.....APPELLANT

AND

STANLEY KIHARA MUCHUNGA.....RESPONDENT

(Appeal from the judgment and decree of the High Court of Kenya at Nairobi (Hon. Lady Justice R. Walekwa) dated 25th March, 1992

in

H.C.C.C. NO. 3587 OF 1991)

ORDER OF THE COURT

The record of appeal lodged in this Court on May 6, 1994 does not contain the exhibits and other documents put in evidence at the hearing in contravention of rule 85(1) (f) of the Rules of this Court. This omission renders the appeal defective and fatally incompetent. In the circumstances, the appeal is hereby ordered struck-out. We make no order as to costs.

Dated and delivered at Nairobi this 14th day of October, 1996.

R. S. C. OMOLO

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JUDGE OF APPEAL

P. K. TUNOI

.....

JUDGE OF APPEAL

G. S. PALL

.....

JUDGE OF APPEAL

I certify that this

is a true copy of the original.

DEPUTY REGISTRAR