



**IN THE COURT OF APPEAL**

**AT NYERI**

**CORAM: AKIWUMI, SHAH & LAKHA, JJ.A.**

**CIVIL APPEAL NO 28 OF 1996**

**BETWEEN**

**WARUI MURIITHI.....APPELLANT**

**AND**

**JEPHESA KAGUMBA & 7 OTHERS.....RESPONDENTS**

*(Appeal from a ruling of the High Court of Kenya at Nyeri (Justice Ang'awa) dated 22<sup>nd</sup> March, 1994*

**IN**

**H. C. C. NO. 279 OF 1993)**

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**ORDER OF THE COURT**

The present appeal is in respect of two decisions, one of which is appealable as of right and the other not of right. This makes the record of appeal which is inseparable as regards the two decisions, clearly incompetent not to say confusing. We have no alternative but to strike out this inseparable appeal which is made incompetent as Counsel for the appellant agrees, because of one of the decisions appealed against requires leave of appeal which has not been obtained. This appeal is hereby struck out with no order as to costs.

**Dated and delivered at Nyeri this 17<sup>th</sup> day of October, 1996.**

**A. M. AKIWUMI**

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**JUDGE OF APPEAL**

**A.B. SHAH**

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**JUDGE OF APPEAL**

**A. A. LAKHA**

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**JUDGE OF APPEAL**