



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: AKIWUMI, TUNOI & PALL, JJ.A.)

CIVIL APPEAL NO. 38 OF 1989

BETWEEN

MUBANGI WATHENYA.....APPELLANT

AND

MWANGI KANINU.....RESPONDENT

(Appeal from the judgement of the High Court of Kenya at Nairobi (Mr. Justice Schofield) dated 2nd December, 1978

in

H.C.C.C. NO. 3112 OF 1978)

ORDER OF THE COURT

The record of appeal and that means all the quadruplicates, must contain a certified copy, in this case, the decree appealed against, The record must also contain the whole judgment, not only part of it as exists in some copies of the record of appeal, These omissions render the appeal incurably incompetent and it is hereby struck-against from the foregoing omissions, there are other discrepancies in the record of appeal which for instance, differing dates of the notice of appeal. There will be no costs for the respondent.

Dated and delivered at Nairobi this 7th day of November, 1996.

A.M. AKIWUMI

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGE OF APPEAL

G. S. PALL

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR