

REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT MOMBASA

Civil Appeal 14 of 1995

HUDSON NG'ANG'A.....
.....APPELLANT

AND

DICK SCHMITT.....
RESPONDENT

(Appeal from a ruling of the High Court of Kenya at Mombasa (Justice Wambilyangah) dated 12th October, 1994

IN

H.C.C.A NO. 71 OF 1991)

RULING OF THE COURT

The record of appeal filed on 8th December, 1994 does not contain a certified copy of the Order sought to be appealed against. Consequently, under Rule 85(1)(h) of the Court of Appeal Rules is fatally defective and incompetent. It follows, therefore, that the appeal so filed is incurably incompetent and we strike it out with no order as to costs.

Dated and delivered at Mombasa this 21st day of July, 1995.

R. O. KWACH

.....

JUDGE OF APPEAL

R. S. C. OMOLO

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JUDGE OF APPEAL

A. A. LAKHA

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JUDGE OF APPEAL