



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL OF KENYA**  
**AT NYERI**  
**Civil Appeal 135 of 1995**

**NDURUMURU WATER PROJECT**  
**JOHN KITHURE**  
**CHRISTOPHER WAHOME**  
**AYUB KORONYA.....APPELLANTS**

**AND**

**HEZEKIAH NGURU KIMARA.....RESPONDENT**

**(Appeal from the judgment and decree of the High Court of Kenya at Meru (Mr. Justice Oguk) dated 26th November, 1992,**

**IN**

**H.C.C.C. NO. 363 OF 1990)**

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**RULING OF THE COURT**

The Notice of Appeal at page 82 of the record of appeal has not been signed by or on behalf of the appellant as required by rule 74 (6) of the Court of Appeal Rules. This defect renders the appeal incompetent. In the result, we uphold the preliminary objection raised by Mr. Waweru on behalf of the respondents. We order the appeal to be struck out with no order as to costs.

Dated and delivered at Nyeri this 27<sup>th</sup> day of October, 1995.

J.E. GICHERU

.....

JUDGE OF APPEAL

R.O. KWACH

.....

JUDGE OF APPEAL

A.B. SHAH

.....

JUDGE OF APPEAL

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

**DEPUTY REGISTRAR**