



REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
(Coram: Muli, Omolo & Tunoi, JJ.A.)
CIVIL APPLICATION NO. NAI. 170 OF 1994
BETWEEN

PETER KIMANI MWANGI.....APPLICANT

AND

KARANJA MUCHINJU.....RESPONDENT

**(Application to strike out Notice of Appeal filed on 31st
March, 1994 in an intended appeal from a judgment of the
High Court of Kenya at Nairobi (Ole Keiwua, J.) dated
17th March, 1994
in
H.C.C.C. NO. 3924 OF 1989)**

RULING OF THE COURT

The Notice of Appeal filed as far back as 24th March, 1994 was not followed by any steps or action to show that an appeal was contemplated. We see no purpose in trying to nurse the Notice of Appeal without seeing any steps having been taken following the filing of Notice of Appeal. Time has expired under the Rules and no useful purpose will be achieved by leaving this Notice of Appeal on the Record.

We agree with Mr. Muriithi that there is no option but to strike out the Notice of Appeal filed on 24th December, 1994. Accordingly the Notice of Appeal is hereby struck out with costs to the applicant.

Dated and delivered at Nairobi this 9th day of December, 1994.

M.G. MULI

JUDGE OF APPEAL

R.S.C. OMOLO

JUDGE OF APPEAL

P.K. TUNOI

JUDGE OF APPEAL

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

DEPUTY REGISTRAR