



**Miwani Sugar Company (1989) Limited In Receivership v Crossley Holdings Ltd & 6 others (Civil Application E207 of 2021) [2022] KECA 465 (KLR) (18 March 2022) (Ruling)**

Neutral citation: [2022] KECA 465 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CIVIL APPLICATION E207 OF 2021  
DK MUSINGA, S OLE KANTAI & A MBOGHOLI-MSAGHA, JJA  
MARCH 18, 2022**

**BETWEEN**

**MIWANI SUGAR COMPANY (1989) LIMITED IN  
RECEIVERSHIP ..... APPLICANT**

**AND**

**CROSSLEY HOLDINGS LTD ..... 1<sup>ST</sup> RESPONDENT  
CABINET SECRETARY, MINISTRY OF AGRICULTURE, LIVESTOCK &  
FISHERIES ..... 2<sup>ND</sup> RESPONDENT  
AGRICULTURE & FOOD AUTHORITY ..... 3<sup>RD</sup> RESPONDENT  
ATTORNEY GENERAL ..... 4<sup>TH</sup> RESPONDENT  
COUNTY GOVERNMENT OF KISUMU ..... 5<sup>TH</sup> RESPONDENT  
JULIUS OKELLO KUNGU ..... 6<sup>TH</sup> RESPONDENT  
RICHARD OCHIENG OGENDO ..... 7<sup>TH</sup> RESPONDENT**

*(An application for striking out/dismissal of the Notice of Appeal and the entire record of appeal filed pursuant to the provisions of Sections 3, 5, (2)(d) of the Appellate Jurisdiction Act, Cap 9 Laws of Kenya and Rules 75 and 84 of the Court of Appeal Rules, 2010 arising from the Judgment and Decree of the Environment and Land Court at Kisumu (A.O. Ombwayo, J.) dated 30th September 2021 in E.L.C. Constitutional Petition No. 6 of 2020)*

**RULING**

1. We have considered the oral submissions by counsel regarding the appellant/applicant's application dated 7th December 2021 seeking to amend the notice of appeal dated 7th October 2021.



2. We have also carefully looked at the provisions of rule 53 of this Court's Rules. We are satisfied that the applicant's application dated 7th December 2021 ought to be heard before a single Judge. Consequently, we hereby direct that the said application be placed before a single Judge within the next seven (7) days from the date hereof.
3. Any party who wishes to oppose the said application may file and serve a replying affidavit and submissions thereto within the next three (3) days from the date hereof. Today's costs shall be in the appeal.

**DATED AND DELIVERED AT NAIROBI THIS 18<sup>TH</sup> DAY OF MARCH, 2022.**

**D. K. MUSINGA, (P)**

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**JUDGE OF APPEAL**

**S. ole KANTAI**

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**JUDGE OF APPEAL**

**A. MBOGHOLI MSAGHA**

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**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR**

