



IN THE COURT OF APPEAL

AT ELDORET

(CORAM: MARAGA, GATEMBU, & MURGOR, JJA.)

CIVIL APPLICATION NO. 51 OF 2015

BETWEEN

AFRICA OIL TURKANA LIMITED.....1ST APPLICANT

AFRICA OIL KENYA BV.....2ND APPLICANT

AFRICA OIL CORPORATION.....3RD APPLICANT

AND

MAOSA KENGARA MONENA1ST RESPONDENT

EDWARD KINGS ONYANCHA MAINA.....2ND RESPONDENT

CENTRIC ENERGY CORPORATION.....3RD RESPONDENT

INTERSTATE PETROLEUM COMPANY LIMITED.....4TH RESPONDENT

(An Application to strike out Notice of Appeal lodged by the 1st respondent on 21st July 2015, in the intended appeal against the Judgment and order of Kimondo, J, dated 2nd July 2015 and delivered in the High Court of Kenya at Eldoret, in

Winding Up Cause No. 1 of 2014 (formally Winding Up Cause No 1 of 2012 Kitale)

RULING OF THE COURT

This application arises from the same judgment as ***Civil Application No. 50 of 2015***. The parties are the same, the averments by the parties who appeared were the same, as were their submissions, save that the 1st respondent in this instance is, Maosa Kengara Monena who despite having been served did not appear in Court.

Given these circumstances, the parties consented to adopt the submissions made in ***Civil Application No. 50 of 2015*** for the purposes of this application, and for this reason we did not consider it necessary to write two different rulings.

Accordingly, the ruling we have just delivered in ***Civil Application No. 50 of 2015*** applies *mutatis mutandis* to this application with the end result that the applicants' Notice of Motion herein dated 17th

September 2015 is similarly allowed, and the Notice of Appeal lodged on 21st July 2015 is struck out with costs to the applicants.

It is so ordered.

DATED and delivered at Kisumu this 21st day of April, 2016.

D. K. MARAGA

JUDGE OF APPEAL

S. GATEMBU KAIRU, FCIArb

JUDGE OF APPEAL

A. K. MURGOR

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR