



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: MARAGA, M'INOTI & KANTAI, J.J.A)

CIVIL APPLICATION NO. NAI. 213 OF 2012 (UR 158/2012)

BETWEEN

JAMES KUTSUSHI ATINDO & 8 OTHERS APPLICANTS

AND

PATRICK OKUKU & 9 OTHERS RESPONDENTS

(An Application for an Order of stay of execution of the ruling of the High Court of Kenya at Kakamega, (Chitembwe, J) dated 17th July, 2012

in

H.C.C.C. NO. 3 OF 2012)

ORDER OF THE COURT

When Civil Applications Nos. 213 of 2012 and 323 of 2012 were called out for hearing this morning, Prof. Ojienda, for the applicants informed us that the substantive appeals, namely Civil Appeals Nos. 90 of 2012, 186 of 2012, 198 of 2012 and 242 of 2011 would effectively determine the issues in the applications. Mr. Lutta, learned counsel for the respondents being of the same view, we direct that Civil Applications Nos. 213 of 2012 and 323 of 2012 be and are hereby marked withdrawn under Rule 52 of the Court of Appeal Rules. Costs of the two applications to abide the outcome of the appeals above mentioned.

DATED this 21st January, 2015.

D.K.MARAGA

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JUDGE OF APPEAL

K. M'INOTI

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JUDGE OF APPEAL

S. ole KANTAI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR