



IN THE COURT OF APPEAL AT KISII

(CORAM: MARAGA, AZANGALALA, KANTAI, J.J.A)

CIVIL APPEAL NO. 179 OF 2012

BETWEEN

PACIFICA MORAA NYACHEO1st APPELLANT

FRANK NYANGA'U 2nd APPELLANT

AND

THE SCHOOL COMMITTEE THRO'

CHAIRMAN MONGA PRIMARY SCHOOL RESPONDENTS

(An appeal from the Judgment and Decree of the High Court of Kenya at Kisii

R.Sitati J.) dated 15th May, 2012

in

H.C.C.C. NO. 141 OF 2011)

ORDER OF THE COURT

This is an interlocutory appeal. Upon being called out for hearing the Court observed that its determination will not finally determined the dispute between the parties. Having considered that observation Mr. Sagwe learned Counsel for the appellant has applied to withdraw it on condition that the status quo is maintained until the suit in the High Court is heard and determined.

As Mr. Soire, learned Counsel for the respondents has no objection. We grant the appellants application and hereby order that this appeal be and is hereby withdrawn under Rule 96 of the Court of Appeal Rules. The status quo obtaining at the moment shall be maintained until the suit in the High Court is heard and determined.

The appellants to cause the suit in the High Court to be fixed for hearing as soon as possible. Each party to bear its own costs of this appeal.

Made at Kisii this 23rd day of February, 2015

D. MARAGA

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JUDGE OF APPEAL

F. AZANGALALA

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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