



IN THE COURT OF APPEAL

AT ELDORET

(CORAM: MUSINGA, GATEMBU & MURGOR, JJ.A)

CIVIL APPEAL NO. Of 2007

BETWEEN

ARCHBISHOP SAMSON MWANGI GAITHO..... 1sT APPELLANT

BISHOP'S SYNOD OF THE

AFRICA INDEPENDENT 2ND APPELLANT

PENTECOSTAL CHURCH OF AFRICA..... 3RD APPELLANT

AND

ARTHUR NJENGA 1sT RESPONDENT

FRANCIS NJOGU 2ND RESPONDENT

DANIEL RARUI 3RD RESPONDENT

DANIEL NJENGA 4TH RESPONDENT

(An appeal from the order of the High Court of Kenya at Eldoret

(Ibrahim, J) dated 3rd August, 2007

in

H.C.C.C. NO. 39 OF 2007)

ORDER OF THE COURT

When this appeal was called out for hearing this morning the appellants were not in court despite having been served on 11th May, 2015. Mrs Kimani holding brief for Mr Mbugua for the respondents though ready to proceed, applied for the appeal to be dismissed for non attendance of the appellants.

In the circumstances, the appeal is dismissed under Rule 102(1) of this Court's rules with no orders as to costs.

Dated at Eldoret this 28th day of May, 2015.

D. K. MUSINGA

.....

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