



**IN THE COURT OF APPEAL**

**AT ELDORET**

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

**CIVIL APPEAL NO. 75 OF 2014 (UR 53/2014)**

**BETWEEN**

**SIMON NJUGUNA MACHARIA ..... 1ST APPLICANT**

**KENNEDY MOKUA T/A MOCO AUCTIONEERS.....2ND APPLICANT**

**AND**

**GUSH JUMBO HARDWARE & PAINTS LIMITED .....RESPONDENT**

**(An Application for Stay of execution of Ruling and Order of the High Court of Kenya at Kisii (S. Okongo, J) dated 21st November; 2014**

**in**

**H.C.C. NO. 354 OF 2014)**

**\*\*\*\*\***

**ORDER BY CONSENT**

Learned counsel for both parties have informed the court that the entire dispute between the parties has been settled and that the application dated 24th September, 2014 may by consent be withdrawn with no orders as to costs.

In the circumstances the application is marked as withdrawn under rule 52 of the orders of the Court with no orders as to costs.

**Dated at Kisii this 8th 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

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**DEPUTY REGISTRAR**