



IN THE COURT OF APPEAL

AT KISII

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

CIVIL APPEAL NO. 81 OF 2014

BETWEEN

BENARD OTIENO AYIEKO.....APPELLANT

AND

KRISANTUS ODERO.....RESPONDENT

(Appeal from the Ruling of the High Court of Kenya at Homa-Bay

(Maina, J.) dated 14th November, 2013

MISC.APPL. NO.10 OF 2013

ORDER OF THE COURT

The appellant's advocate was duly served with today's hearing notice on 20th April, 2015. He acknowledged service by stamping and signing on the face of the hearing notice.

He is however not in court to prosecute the appeal dated 5th May, 2014. The respondent is also not in court. We understand that the appellant's counsel was to serve today's hearing notice upon the respondent.

In the circumstances, this appeal is dismissed for want of prosecution pursuant to the provisions of rule 102 (1) of this Court's Rules.

We make no order as to costs.

Dated at Kisii this 7th day of May, 2015

D.K. MUSINGA

.....

JUDGE OF APPEAL

S. GATEMBU KAIRU

.....

JUDGE OF APPEAL

A.K.MURGOR

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR