



IN THE COURT OF APPEAL

AT ELDORET

(CORAM: MARAGA, MUSINGA, GATEMBU, J.J.A.)

CIVIL APPLICATION NO. NAI 298 OF 2013

BETWEEN

BENSON ALLAN MUSONGA.....1ST APPLICANT

ROSELINE MWIKALI KARANJA..... 2ND APPLICANT

AND

JOTHAM MUKORO MONORESPONDENT

(An application to strike out a notice of appeal from the High Court Of

Kenya at Kitale (Obaga, J.) dated 29th July, 2013

in

HCCC NO. 121 OF 2012)

ORDER OF THE COURT

Learned Counsel for the Respondent/Appellate Mr. Mokua wishes to withdraw the notice of appeal the subject of the application to strike out made by the Applicant/Respondent under rule 84 of the rules of the court.

Mr. Kiarie learned counsel for the Respondent/Applicant has no objection and has in the circumstances indicated that the application dated 24th October, 2013 may be withdrawn with costs to the Respondent/Applicant.

In the circumstances, the appellants notice of appeal dated 26th September, 2013 is marked as withdrawn under rule 83 of the rules of the Court.

The appellants application dated 24th October, 2013 is also marked as withdrawn under rule 52 of the rules of the Court.

In the spirit of compromise exhibited by both parties each party shall bear their own costs of the application.

DATED at Eldoret this 25th June, 2015

D.K.MARAGA

JUDGE OF APPEAL

D. K. MUSINGA

JUDGE OF APPEAL

S. GATEMBU KAIRU FCI Arb

JUDGE OF APPEAL

I certify that this is
a true copy of the original

DEPUTY REGISTRAR