



**IN THE COURT OF APPEAL**

**AT ELDORET**

**(CORAM: MARAGA MUSINGA & GATEMBU JJ.A)**

**CIVIL APPLICATION NO.19 OF 2015 (UR 15/2015)**

**IN THE MATTER OF INTENDED CIVIL APPEAL**

**IN THE SUPREME COURT**

**BETWEEN**

**WELLINGTON LUSWETI BARASA & 74 OTHERS.....APPLICANTS**

**AND**

**LANDS LIMITED.....1<sup>ST</sup> RESPONDENT**

**KIBOGY PROPERTIES LIMITED.....2<sup>ND</sup> RESPONDENT**

(An Application for leave to appeal to the Supreme Court of Kenya arising from the Ruling of the Court of Appeal at Eldoret (Hon. D.K. Maraga, Hon. D.K. Musinga and Hon. S. Gatembu Kairu, FCI Arb) dated 8th May, 2015

in

**CIVIL APPLICATION NO.14 OF 2015)**

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**ORDER OF THE COURT**

Mr Okara, learned counsel holding brief for Mr Omondi for the applicants has sought leave to withdraw the application dated 11th May, 2015 with no order as to costs.

Both Mr Kiarie and Mr Kibii, learned counsel for the respondents respectively, have no objection but have urged the court to them costs of the application. They explained that they had filed their papers in response to the application now sought to be withdrawn and they had also prepared themselves for it, having not been given any notice of the intended application for withdrawal.

In the circumstances, we grant leave to the applicants to withdraw the application as prayed. Consequently, the application dated 11<sup>th</sup> May, 2015 is marked as withdrawn under rule 52 of the Court of Rules.

The respondents are awarded costs of the withdrawn application.

**Dated at Eldoret this 24th day of June, 2015.**

**D.K.MARAGA**

.....

**JUDGE OF APPEAL**

**D.K. MUSINGA**

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**JUDGE OF APPEAL**

**S. GATEMBU KAIRU, FCIArb**

.....

**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**