



**IN THE COURT OF APPEAL**

**AT KISUMU**

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

**CIVIL APPEAL NO. 77 OF 2012**

**BETWEEN**

**JAMES OBONDI OLIECH..... 1<sup>ST</sup> APPELLANT**

**TOM ORIAWO..... 2<sup>ND</sup> APPELLANT**

**JOHN OSAMBO.....3<sup>RD</sup> APPELLANT**

**AYUB OCHIENG OWI ..... 4<sup>TH</sup> APPELLANT**

**THOMAS OGADA ..... 5<sup>TH</sup> APPELLANT**

**SYPRIN OOKO OCHUKA ..... 6<sup>TH</sup> APPELLANT**

**SAMWEL OKUTA ABONGA ..... 7<sup>TH</sup> APPELLANT**

**CARLUS AGANGA .....8<sup>TH</sup> APPELLANT**

**HENRY JUOMBO .....9<sup>TH</sup> APPELLANT**

**AND**

**MARIKUS ONG’IDI ODHARE ..... RESPONDENT**

**(Being an Appeal from the Judgment of the High Court of Kenya at Kisumu**

**(Wambilyangah, J.) dated 10<sup>th</sup> May, 2000**

**in**

**H.C.C.C. NO. 386 of 1995)**

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**ORDER OF THE COURT**

Neither the appellants nor their counsel are in court, counsel on record for the appellant was

served with the hearing notice for today on 9th June, 2015. He has written to court that he is no longer in private practice as he is now a full time lecturer at the Kenya School of Law. But he is still on record as he has not applied to cease acting for the appellants.

This is an old appeal which has come up for hearing several times but has not been heard due to the failure of the appellants to appear and prosecute it.

In the circumstances, we are of the view that the appellants have lost interest in this appeal.

As Mr. Mwamu, learned counsel for the respondent is not conceding the appeal, we accede to his plea and hereby dismiss this appeal with costs under Rule 102 of this Court's Rules.

**DATED this 18th June, 2015.**

**D.K.MARAGA**

**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**