

IN THE COURT OF APPEAL

AT KISUMU

(CORAM: MARAGA, GATEMBU & MURGOR, J.J.A)

CIVIL APPEAL NO. 36 OF 2014

BETWEEN

BENSON NGA'NGA NDIRANGU..... APPELLANT

AND

NATIONAL BANK OF KENYA..... RESPONDENT

(An Appeal from a Judgment of the High Court of Kenya at Busia,(Tuiyott, J.) dated 30th June, 2014 **In H.C.ELC.NO. 132 OF 2014**)

ORDER OF THE COURT

Though served, neither the appellant nor his counsel is in court. Mr. Ipapu, learned counsel holding brief for Mr. Otanga for the respondent, informs us that this appeal was on 7th November 2014 withdrawn. We, however, have nothing on record to show that the appeal ever came up for hearing on 7th November 2014. This appeal last came up for hearing on 4th November 2014 when it was adjourned.

In the circumstances, and there being no appearance on the part of the appellant, this appeal is hereby dismissed under Rule 102(1) of the Court of Appeal Rules.

As the respondent itself was not ready to go on, we order that each party bears its own costs of this appeal.

Dated at Busia this 27th July, 2015.

D.K.MARAGA

JUDGE OF APPEAL

S. GATEMBU KAIRU, FCI Arb

JUDGE OF APPEAL

A.K.MURGOR

JUDGE OF APPEAL

I certify that this is a true copy

of the original.

DEPUTY REGISTRAR