



IN THE COURT OF APPEAL

AT KISUMU

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

CIVIL APPEAL NO. 43 OF 2005

BETWEEN

IMA AGENCIES LIMITED APPELLANT

AND

BUDHIA BUILDERS AND ERECTORS RESPONDENT

(An Appeal from the ruling of the High Court of Kenya at Kisumu (Gacheche, J.) dated 8th May, 2003.

in

H.C.C.C. NO. 23 OF 1993)

ORDER OF THE COURT

By consent of counsel for the parties, it is ordered• that this appeal is withdrawn on terms that;

- (a) The respondent shall within five months from today's date fix High Court civil case No. 23 of 1993, Kisumu for hearing and in default that suit shall stand dismissed with costs to the appellant.
- (b) The respondent shall pay the appellant's costs of the appeal.

Dated at Kisumu this 16th July, 2015.

D. K. MUSINGA

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JUDGE OF APPEAL

S. GATEMBU KAIRU, FCIArb

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JUDGE OF APPEAL

A. K. MURGOR

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JUDGE OF APPEAL

I certify that this is a true copy
of the original

DEPUTY REGISTRAR