



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL OF KENYA**  
**AT NAIROBI**

**Civil Appli 120 of 2002 (UR 65/2002)**

- 1. DIMKEN KENYA LIMITED**
- 2. DICK MAINA GITHAIGA**
- 3. SARAH GATHONI MAINA**
- 4. JAMES WAHOME GITHAIGA**
- 5. KELLYCHARD N. GITHAIGA.....APPLICANTS**

**AND**

- BARCLAYS BANK OF KENYA**
- MOSES KAMATU..... RESPONDENTS**

**(Application for an injunction pending the lodging and hearing of an intended appeal from the ruling of the High Court of Kenya at Nairobi (Ringera, J.) dated 12<sup>th</sup> April,**

**2002**

**in**

**H.C.C.C. NO. 186 OF 2000)**

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**ORDER OF THE COURT**

At the hearing of the notice of motion dated 16<sup>th</sup> May, 2002, Mr. Mungai, learned counsel for the applicants applied for leave to withdraw the application on the ground that the application has been overtaken by events as the applicants had filed *Civil Appeal No. 244 of 2002* which was dismissed by this Court on 8<sup>th</sup> June, 2007.

Miss. Karanja, learned counsel for the 1<sup>st</sup> respondent, not objecting, leave to withdraw the application is granted with the result that the application is withdrawn under Rule 55 (6) of the Court of Appeal Rules with no orders as to costs.

**Dated at Nairobi this 17<sup>th</sup> day of June, 2009.**

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**E. M. GITHINJI**

.....

**JUDGE OF APPEAL**

**D. K. S. AGANYANYA**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**