



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAIROBI
CIVIL APPLICATION 158 OF 2009

DR.C.O. OKERE.....APPLICANT

AND

ESTHER NDUTA KHYUKIA.....1ST RESPONDENT
ESTHER MUTHONI.....2ND RESPONDENT
CITY COUNCIL OF NAIROBI.....3RD RESPONDENT

(An application for leave to extend time to file and serve the memorandum and record of appeal against the judgment in the High Court of Kenya at Nairobi (Rawal, J) dated 4th May 2007

in

H.C.C.C.NO.2 OF 2004)

RULING

In view of the absence of the applicant and/or counsel the application dated 5th June, 2009 is hereby dismissed with costs to the 1st and 3rd respondents pursuant Rule 55(1) of the Courts' Rules.

It is so ordered.

DATED and delivered at Nairobi this 10th day of November, 2009.

J.G. NYAMU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR