



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

Civil Appli 97 of 2004

MNALA KOITA..... APPLICANT

AND

JUSTUS OBUKUSE..... RESPONDENT

(Application for extension of time to lodge and serve notice and record of appeal out of time in an intended appeal from the ruling and order of the High Court of Kenya

kamega (Tanui J) dated 16th January, 1997 in H.C.C.A No.63 of 1992)

ORDER

Neither the applicants who have made the reference to the Court nor their advocates, M/s. Lugadiru & Co. Advocates, are here. The advocates were served and must be aware of today’s hearing. The respondent is present. In those circumstances, we see no good reason to adjourn the reference and we order that it be and is hereby dismissed with costs to the respondent under rule 55(1) of the Court’s Rules.

Dated and delivered at Kisumu this 21st day of March, 2007.

R.S.C. OMOLO

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JUDGE OF APPEAL

S.E.O. BOSIRE

.....

JUDGE OF APPEAL

W.S. DEVERELL

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR