

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

Civil Appeal (Appli) 166 of 2006

STANDARD ASSURANCE KENYA LIMITED APPLICANT/APELLANT

AND

BENARD OTIENO RAPUODA RESPONDENT

(An application for validation of the notice of appeal and extension of time to file and serve the record of appeal out of time in an intended appeal from a ruling and order of the High Court of Kenya at Kisumu(Tanui J.) dated 31st May 2004 in H.C.C.C. NO.148 OF 2004

ORDER

Counsel for the applicant, Mr. Omariba informally applies for leave to withdraw the Notice of Motion dated 14th August 2006 and filed in court on 21st August 2006. As Mr. Ochieng for the Respondent does not oppose the withdrawal of the said motion, it is hereby ordered that the motion dated 14th August 2006, be and is hereby withdrawn under **rule 55(6) of the Court of Appeal Rules**, but with no order as to the costs.

Made at Kisumu this 19th day of March, 2007.

S.E.O. BOSIRE

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JUDGE OF APPEAL

I certify that this is a true copy the original.

DEPUTY REGISTRAR