



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

Civil Appli. Nai 4 & 5 of 2007 (Consolidated)

MBARAKI BULK TERMINAL LTDAPPLICANT

AND

EAST AFRICAN BULKING SERVICES LTD1ST RESPONDENT

DISTRICT LAND REGISTRAR MOMBASA2ND RESPONDENT

EAST AFRICAN MOLASSESS COMPANY LTD.....3RD RESPONDENT

(An application for stay of execution of the ruling and order

of the High Court of Kenya at Mombasa (Sergon J.) dated

15th December, 2006

in

H.C. MISCELLANEOUS CIVIL APPL. NO. 946 OF 2005)

RULING OF DEVERELL, JA.

I have had the advantage of reading the Rulings in draft of the Hon. Mr. Justice Bosire JA and the Hon. Mr. Justice Githinji, JA, relating to the above application and I concur with the decision to dismiss the consolidated application with costs for the reasons given by the Hon. Mr. Justice Bosire, JA.

Dated and delivered at Nairobi this 16th day of March, 2007.

W. S. DEVERELL

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR