



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

Civil Appli 55 of 2004

GRACE WAKONYO THIONGO APPLICANT

AND

GITAU TIRIARESPONDENT

(Application to strike out notice of appeal in the intended appeal from the ruling of the High Court of Kenya irobi (O’Kubasu, J) dated 18th November, 1998 in H.C.SUCCESSION CAUSE NO. 2386 OF 1996)

RULING OF THE COURT

This application by Motion dated 11th May, 2004 seeking the striking out of the Notice of Appeal lodged on 30th November, 1998 by the respondent Grace Wakonyo Thiongo is hereby allowed as the Record of Appeal has not been filed despite the passage of nine years or so since the lodging of the Notice of Appeal.

There was no appearance before us by the respondent despite the due service of the notice of motion and the hearing notice for today. The costs of this application shall be paid by the respondent to the applicant.

Dated and delivered at Nairobi this 23rd day of May, 2007.

P. K. TUNOI

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JUDGE OF APPEAL

P. N. WAKI

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JUDGE OF APPEAL

W. S. DEVERELL

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR