



REPUBLIC OF KENYA

IN THE COURT OF APPEAL OF KENYA PEAL AT NAKURU

Civil Appeal (Appli) 189 of 2003

BETWEEN

DAVID TOM MAARI alias TOM DAVID MAARI t/a

MAARI AND COMPANY ADVOCAATES.....
APPELLANT

AND

NJUGUNA MUTHUI

THE STANDARD LIMITED
.....RESPONDENTS

(An appeal from the judgment and decree of the High Court of Kenya at Nakuru (Lady Justice Jessie Lessit) dated 10th June, 2003 in NAKURU H.C.C.C. NO. 242 OF 2002)

ORDER OF THE COURT

We are now informed by Mr. Konosi the learned counsel for the appellant that his client passed away sometime in the year 2004 and that no application for substitution was made under **rule 96** of this Court's Rules.

In view of what Mr. Konosi has stated the appeal and the motion which sought the striking out of the said appeal must abate. As there was also a cross-appeal it follows that the same also abates.

We do this pursuant to **rule 96(2)** of the Rules. We make no orders as to costs.

Made at Nakuru this 2nd day of March, 2006.

R.S.C. OMOLO

.....

JUDGE OF APPEAL

E. O. O’KUBASU

.....

JUDGE OF APPEAL

E. M. GITHINJI

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR