



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAKURU

Civil Appeal 119 of 1999

BETWEEN

ROSEMARY MWINGA.....APPELLANT

VERSUS

1. GODFREY MAHINDA

2. MUGURE MAHINDA.....RESPONDENTS

(Appeal from the Judgment & decree of the High Court of Kenya at Nakuru (Rimita J) dated 22nd January, 1996

in

H.C.C.C. NO. 237 OF 1994

ORDER OF THE COURT

The appellant who appears in person has not attended the hearing of the appeal. Mr Mindo, learned counsel for the respondent has attended and applies that the appeal be dismissed under **Rule 99** of the Court of Appeal Rules. This appeal has been pending in Court since 30/4/1999. The appeal has been adjourned several times due to failure of the appellant to attend the hearing. There are no good grounds for adjourning this appeal any further. The appellant has a remedy to apply for the restoration of the appeal, if dismissed, under **Rule 99(3)** if she so wishes.

In the circumstances, the appeal is dismissed under **Rule 99(1)** of the Court of Appeal Rules with no orders as to costs.

Dated and delivered 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 this is a true

copy of the original

DEPUTY REGISTRAR