

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT MOMBASA
(CORAM:OMOLO, TUNOI & GITHINJI, JJ.A)

Civil Appeal Appli 111 of 2004

BETWEEN

GAPCO KENYA LIMITED APPELLANT/RESPONDENT

AND

SALIM OSMAN TALAB1ST RESPONDENT/APPLICANT

OSMAN HAJI ALI HAJI TALAB 2ND RESPONDENT/APPLICANT

ZERA OSMAN ALI HAJI ALI TAIB3RD RESPONDENT/APPLICANT

*(Appeal from the Judgment and Order of the High Court of
Kenya at Mombasa (Omwitsa Comm. of Assize) dated 19
th
March, 2003
in
H.C.C.C. No. 102 of 2001)*

RULING OF THE COURT

Mr. Chacha Odera who is holding brief for Mr. S.K. Shah, for the respondent, in this appeal applies for adjournment on the ground that there are two pending applications in this appeal and on the further ground that the record of appeal has not been served on the respondent. Mr. Omondi, for the appellant concedes that there are indeed two pending applications which have not been disposed of. He further concedes that the record of appeal has not been served on the respondent. He does not oppose the application for adjournment.

In the circumstances, we allow the application for adjournment to facilitate the prosecution of the two pending applications and the service of the record of appeal on the respondent. Consequently, the appeal is taken out of today's hearing list and adjourned to a date to be fixed at the registry after the hearing and determination of the pending applications. Costs of this adjournment be costs in the appeal.

Dated and delivered at Mombasa this 27th day of July, 2005.

R.S.C. OMOLO

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JUDGE OF APPEAL

P.K. TUNOI

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JUDGE OF APPEAL

E.M. GITHINJI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.