

IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: OMOLO, TUNOI & GITHINJI, JJ.A.)
Civil Appeal 314 of 2000 (1)
BETWEEN

JOHNSON EVAN GICHERU APPELLANT
AND

ANDREW MORTON 1ST RESPONDENT
MICHAEL O'MARA BOOKS LIMITED 2ND RESPONDENT

(An appeal from the Judgment and Decree of the High Court of
Kenya at Nairobi (Aluoch, J.) dated 28th September, 2000
in
H.C.C. Suit No. 214 of 1999)

JUDGMENT OF OMOLO, J.A.

I had the advantage of reading in draft form the judgment of TUNOI, J.A. I fully agree with his exposition of the law and the conclusions at which he has arrived. I agree with him that the High Court cases cited to us concerning the quantum of damages in matters of libel do not appear to have a solid juridical grounding and like TUNOI, J.A., I would find it very difficult to base my decision on them, particularly in view of the fact that they may well end up in this Court by way of appeal. I agree with the orders proposed by TUNOI, J.A., and as GITHINJI, J.A., also agrees, the orders of the Court shall be those proposed by TUNOI, J.A.

Dated & delivered at Nairobi this 14th day of October, 2005.

R.S.C. OMOLO

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JUDGE OF APPEAL