



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OMOLO, O’KUBASU & GITHINJI, JJ.A.)

CIVIL APPLICATION NO. NAI. 181 OF 2003

BETWEEN

THE REGISTRAR OF TRADE UNIONS 1ST APPLICANT

KENYA PLANTATION & AGRICULTURAL

WORKERS UNION 2ND APPLICANT

AND

KENYA TEA WORKERS UNION 1ST RESPONDENT

THOMAS ANYONJE 2ND RESPONDENT

LAWRENCE OYARO 3RD RESPONDENT

HUMPHREY KARARI 4TH RESPONDENT

RAHAB NGIGE 5TH RESPONDENT

MILTON OCHIENG 6TH RESPONDENT

DAVID MAINA MUGWE 7TH RESPONDENT

ALBERT ODONGO 8TH RESPONDENT

(Application to strike out the notice of appeal from the Judgment of the High Court of Kenya at Nairobi (Sheikh Amin & Kuloba, JJ.) dated 3rd January 2002

in

H.C.C.C. NO. 248 OF 1998)

RULING OF THE COURT

This is an application by the 1st and 2nd applicants seeking an order to the effect that the respondents’ notice of appeal dated 8th January, 2002 and filed in the superior court on 8th January, 2002 be struck out

on the ground that the respondents have not filed an appeal. It is to be observed that since the respondents filed a notice of appeal no any other step has been taken apart from a letter dated 3rd July, 2002 requesting for certified copies of proceedings and judgment.

From **3rd July, 2002** to date no steps have been taken by the respondents to prosecute the appeal. Clearly the respondents are not interested in pursuing their appeal.

It is to be noted that although served with hearing notice for today's hearing they have not appeared. In these circumstances, we order that the notice of appeal filed by the respondents be and is hereby struck out with costs to the 2nd applicant.

Dated and delivered at Nairobi this 8 th day of March, 2004.

R.S.C. OMOLO

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JUDGE OF APPEAL

E.O. O'KUBASU

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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