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REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT MOMBASA

(CORAM: GICHERU, TUNOI & LAKHA, JJ.A)

CIVIL APPLICATION NO. NAI. 350 OF 2002

BETWEEN

1. ROBLEY MUKTAR LUCUQH)
2. ZAMZAM OMAR)APPLICANTS
AND

1. KIMEMIA WANJOHI)
2. COASTLINE SAFARIS LIMITED).....RESPONDENTS

(Application to strike out Notice of appeal dated 21st September, 2001 in an intended appeal from the judgment of the High Court of Kenya at Mombasa (Mr. Justice Waki) dated 4th September, 20

in

H.C.C.C NO. 99 OF 1997)

RULING OF THE COURT

We grant the application as prayed in the motion before us. The judgment the subject matter of the intended appeal was delivered on 4th September, 2001. The Notice of Appeal was lodged on 9th October, 2001, well outside the time prescribed by the Rules of this Court. Thus, the Notice of Appeal so lodged is invalid. It is ordered struck out with costs to the applicants.

Dated and delivered at Mombasa this 23rd day of January, 2003.

J.E GICHERU

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JUDGE OF APPEAL

P.K TUNOI

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JUDGE OF APPEAL

A.A LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR