



REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT MOMBASA

CORAM: GICHERU, TUNOI & LAKHA, JJ.A.
CIVIL APPLICATION NO. NAI 268 OF 2002

BETWEEN

ROTHMAN'S HOLDINGS LIMITED NAUSHAD JIWA APPLICANTS
AND

AMIN LADAK ALIAS AMIN JAFFER GULAMHUSEIN RESPONDENT

AND

AMIN LADAK ALIAS AMIN JAFFER GULAMHUSEINRESPONDENT

**(Being an application to strike out the notice of appeal
from the ruling of the High Court of Kenya at
Mombasa (Waki J) dated 9th January, 2001
in
H.C.C.S. NO. 458 OF 2000)**

RULING OF THE COURT

As the respondent has failed to institute an appeal within the prescribed time or at all after the filing of the Notice of Appeal, such notice filed on 22-1-01 is hereby struck off. It follows that the order of the superior court made on 27-7-01 is set aside and the monies in the joint account be released to the applicants.

Applicants to have the costs of the application.

Made at Mombasa this 23rd day of January, 2003.

J. E. GICHERU

JUDGE OF APPEAL

P. K. TUNOI

JUDGE OF APPEAL

A. A. LAKHA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR