

**IN THE COURT OF APPEAL
AT NAKURU
CORAM: GICHERU, SHAH & BOSIRE, J.J.A.
CIVIL APPEAL NO. 212 OF 1999
BETWEEN**

BRITISH AMERICAN INSURANCE COMPANY LIMITEDAPPELLANT

AND

LYDIA NYAMBURA

RUHENI GATUGIRA

DANIEL N. RUHENI [*The legal representatives of JOHNSON RUHENI
(deceased)*].....RESPONDENTS

(Appeal from a judgment & decree of the High Court of
Kenya at Nakuru (Nambuye J) dated 9th May, 1994

in

H.C.C.C. NO. 238 OF 1983)

RULING OF THE COURT

By consent Civil Appeal No. 212 of 1999, and Nakuru High Court Civil Case No. 238 of 1983, be and are hereby marked as settled in terms that British American Insurance Company Limited do pay the respondent **Lydia Nyambura Ruheni, Gatugira and Daniel N. Ruheni** (the Administrators of the estate of Johnson Ruheni) KShs.200,000/= in full and final settlement of the appeal and the suit. The said sum to be paid out of the joint account held in the names of **Kagucia & Company Advocates and Kaplan & Stratton Advocates, with Housing Finance Company of Kenya Limited, Rehani House, Nairobi**. The balance of the sum held in that account be released to the appellant's advocates, Messrs Kaplan & Stratton forthwith. Each party to bear own costs both here and in the superior court.

Made at Nakuru this 21st day of February, 2002.

J. E. GICHERU

JUDGE OF APPEAL

A. B. SHAH

JUDGE OF APPEAL

S. E. O. BOSIRE

JUDGE OF APPEAL

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

DEPUTY REGISTRAR