

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: OMOLO, O'KUBASU & KEIWUA, J.J.A.

CIVIL APPEAL NO. 181 OF 1999

BETWEEN

PETER KANYIRI KOIGI APPELLANT

AND

MAKAHU Ole SEKUNDA

ISAAC NCHUNGA MUKAHU

GEOFFREY MWAI KABIRO RESPONDENTS

(Appeal from the decision of the High Court of Kenya at

Nairobi (Mitey J) dated 12th July, 1999

in

H.C.O.S. NO. 556 OF 1999)

JUDGMENT OF THE COURT

This appeal has no merit at all. The appellant sought an injunction in the High Court. That court refused to grant the injunction on the basis that a prima facie case had not been established. We have looked at the pleadings, the submissions made before the learned Judge and his ruling on the issues raised before him. The grant of an injunction is a discretionary remedy. We see absolutely no reason why we should interfere with the learned Judge's exercise of discretion and that being our view of the matter, we order that this appeal be and is hereby dismissed with costs.

Dated and delivered at Nairobi this 20th day of March, 2002.

R.S.C. OMOLO

JUDGE OF APPEAL

E. O. O'KUBASU

JUDGE OF APPEAL

M. Ole KEIWUA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR