



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NYERI
CORAM: SHAH, BOSIRE & O'KUBASU, J.J.A.
CIVIL APPEAL NO. 36 OF 1990
BETWEEN

EPHANTUS WANJOHI RUHARAAPPELLANT

AND

1. EUNICE WANJIKU RUHARA)

2. JOTHAM GICHUKI RUHARA)

3. JOSEPH KAGO RUHARA)

4. DUNCAN MAINA RUHARA)RESPONDENTS

5. JOHN MUCHOKI RUHARA)

6. ESTHER WOKABI RUHARA)

7. SAMUEL MWANGI RUHARA)

**(Appeal from a Ruling and Order of the High Court of Kenya at
Nyeri (Mr. Justice F.E. Abdullah) dated 9th November, 1989**

in

H.C.C.C. NO. 174 OF 1985)

RULING OF THE COURT

We have before us an application to strike out this appeal under Rules 80 and 85(h) of this Court's Rules. The main ground is that the order of the superior court appealed from is not certified. Upon perusal of the record we found that indeed the order of the superior court is not certified.

Miss Mukuha for the respondent found it impossible to resist this application and in our view properly so.

That being the position this appeal is struck out with costs to the applicants. The applicants will also have the costs of the application.

Made at Nyeri this 8th day of May, 2002.

A. B. SHAH

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

E. O. O'KUBASU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR