



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: TUNOI, LAKHA & BOSIRE, J.J.A.)

CIVIL APPLICATION NO. NAI. 63 OF 2002

BETWEEN

ASSA OKWEMBA ONYANGO APPLICANT

AND

OMAR TRANSMOTORS LIMITED

KARIUKI NGUMBI RESPONDENTS

(Application to strike out a Notice of Appeal from a judgment

of the High Court of Kenya at Nairobi (Osiemo, J) dated

15th January, 2001

in

H.C.C.C. NO. 137 OF 1998)

RULING OF THE COURT

It has been brought to our attention that pending before this Court is Civil Application No. 62 of 2002 which seeks leave to file appeal out of time. We think that it is appropriate in the circumstances to grant adjournment as sought by counsel by the respondents to enable the Court to dispose of that matter first. The outcome of that application, whichever way, no doubt will have effect on this application. We make no order as to costs.

Made at Nairobi this 30th day of July, 2002.

P. K. TUNOI

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JUDGE OF APPEAL

A. A. LAKHA

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JUDGE OF APPEAL

S. E. O. BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR