

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: BOSIRE, OWUOR & KEIWUA JJ.A)
CIVIL APPLICATION NO. NAI.174 OF 2002**

BETWEEN

**ESTHER NYAGUTHI KINYUA
CHARLES N. GICHOHI (suing as administrators
of DANIEL M. GICHOHI (DECEASED)APPLICANTS**

AND

KENYA BUS SERVICES LTDRESPONDENT

(An application to strike out notice of appeal in an
intended appeal from a judgment of the High Court of
Kenya at Nairobi (Lady Justice Ang'awa) dated 7th
February, 2002

in

H.C.C.C. NO.723 OF 2000

RULING OF THE COURT

This is an application under rule 80 of the Rules of this Court seeking an order that the Notice of Appeal lodged in court on 18th March 2002 by Mereka and Company Advocates, in High Court Civil Case No.723 of 2000 be struck out. As Mr. Mutua for the respondent concedes that the said notice of appeal is incurably defective, the order that commends itself to us is to order that the notice be and is hereby struck out with costs to the applicant assessed at Kshs.500/=.

Dated and delivered at Nairobi this 28th day of November, 2002.

S.E.O. BOSIRE

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JUDGE OF APPEAL

E. OWUOR

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JUDGE OF APPEAL

M. KEIWUA

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JUDGE OF APPEAL

I certify that this is a

true copy of the original.

DEPUTY REGISTRAR