



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**

**AT KISUMU**

**CORAM: OMOLO, SHAH & O'KUBASU, J.J.A.**

**CIVIL APPLICATION NO. NAI. 240 OF 2002**

**BETWEEN**

**SAMUEL AYIENDA MOKUA .....APPLICANT**

**AND**

**TINGA TRADING CO. LTD .....RESPONDENT**

**(An application for a stay of execution in an intended appeal from a Judgment of the High Court of Kenya at at Kisii (Mr. Justice Wambilyangah) dated 20th March, 2002**

**in**

**H.C.C.C. NO. 98 OF 2000)**

**\*\*\*\*\***

**RULING OF THE COURT**

The applicant, Samuel Ayienda Mokua , was represented by an advocate in the superior court.

A consent order was recorded in the superior court.

Advocate for the respondent was also there. We are not told what was wrong with the consent order recorded. There is nothing on record here to show that factor, if any. Mr. Sagwe who now appears for the applicant states from the Bar that in regard to the matter before the superior court, that Court had no jurisdiction. As pointed out there is nothing on record before us to establish that point. Mr. Sagwe also says that the advocate had no express authority to do what he did.

Advocates properly on record have implied authority to bind their clients. We see nothing arguable in the intended appeal. This application is therefore dismissed with costs.

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

**R.S.C. OMOLO**

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**JUDGE OF APPEAL**

**A. B. SHAH**

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**JUDGE OF APPEAL**

**E. O'KUBASU**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**