

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
CORAM: GICHERU, LAKHA & OWUOR, JJ.A.
CIVIL APPEAL NO. 145 OF 1999

BETWEEN
JOSEPH RADING WASAMBOAPPELLANT
AND
WESTERN TELECOMMUNICATIONS LTD.RESPONDENT

**(Being an appeal from a judgment and decree of the High
Court of Kenya at Kisumu (Wambilyangah J) dated 12th May, 1999**

in
H.C.C.C. NO. 307 OF 1998)

JUDGMENT OF THE COURT

By consent,

(i) the appeal is allowed with no order as to costs.

(ii) the case is remitted for trial to the superior court before another judge.

(iii) the costs of the superior court and further hearing in the discretion of the trial judge.

Dated and delivered at Kisumu this 22nd day of March, 2001.

J. E. GICHERU

JUDGE OF APPEAL

A. A. LAKHA

JUDGE OF APPEAL

E. OWUOR

JUDGE OF APPEAL

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