



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT KISUMU

CORAM: GICHERU, TUNOI & LAKHA, J.J.A.

CIVIL APPLICATION NO. NAI 296 OF 2000 (KSM. 52/2000)

BETWEEN

ALSON RETREADING CO. LTD.

ABDULMALIK FAZAL LAKHA APPLICANTS

SADRUDIN FAZAL LAKHA

AZIZUDIN FAZAL LAKHA

AND

STAN LUCHEBELELI

KALAMKA LIMITED RESPONDENTS

**(An application to strike out the notice of appeal
against a ruling & order of the High Court of Kenya
at Kisumu (Wambilyangah J) dated 9th February, 2000
in
KSM.H.C.C.C. NO. 257 OF 1999)**

RULING OF THE COURT

The Notice of Appeal sought to be struck out was lodged and served on applicants on 18-2-2000. From the certificate of delay dated 15-5-2000 the respondents received copies of the proceedings and ruling on 15-5-2000. To date no appeal has been lodged. Consequently, an essential step in the proceedings has not been taken within the prescribed time and in the result, we grant the applicant's application and strike out the Notice of Appeal lodged in this Court on 18th February, 2000. The costs of this application are awarded to the applicants.

Dated and delivered at Kisumu this 21st day of March, 2001.

J. E. GICHERU

JUDGE OF APPEAL

P. K. TUNOI

JUDGE OF APPEAL

A. A. LAKHA

JUDGE

OF

APPEAL

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