

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: GICHERU, LAKHA & O'KUBASU, J.J.A.)
CIVIL APPEAL NO. 252 OF 2000**

BETWEEN

NJERI KIMANI 1ST APPELLANT
SIMON KINYANJUI KIMANI 2ND APPELLANT
AND
JOSEPH NJOROGE MURIGI 1ST RESPONDENT
JOHN MUKIRAE KINUNGI 2ND RESPONDENT
PIONEER BUILDING SOCIETY LTD. (IN LIQUIDATION).....3RD RESPONDENT

**(Appeal from a Ruling and Order of the High Court of Kenya at
Nairobi (Milimani Commercial Courts) by Honourable Mr.
Justice Hewett dated 19th July, 2000**

in

H.C.C.C. NO. 819 OF 2000)

RULING OF THE COURT

As the ruling sought to appeal against is not dated, it is in breach of Order XX rule 3 of the Civil Procedure Rules. This omission renders the appeal incompetent. Accordingly, the appeal is struck out but with no order as to costs.

Dated and delivered at Nairobi this 28th day of June, 2001.

J.E. GICHERU
.....
JUDGE OF APPEAL

A.A. LAKHA
.....
JUDGE OF APPEAL

E. O'KUBASU
.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR