

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NYERI
(CORAM: GICHERU, LAKHA & OWUOR, JJ.A.)
CIVIL APPEAL(APPLICATION) NO. 242 OF 2000
BETWEEN**

**GRACE WANJIRA MITAMBO 1ST APPELLANT/RESPONDENT
ROBERT MURIUKI KABARI 2ND APPELLANT/RESPONDENT
STEPHEN MWANIKI 3RD APPELLANT/RESPONDENT
ANSELIM NJOGU MACAI 4TH APPELLANT/RESPONDENT
AND
NDAMBIRI MUCHINE 1ST RESPONDENT/APPLICANT
FRANCIS MUCHIRA 2ND RESPONDENT/APPLICANT**

**(Appeal from a Judgment and Decree of the High Court of Kenya
at Nyeri (Mr. Justice Juma) dated 7th December, 1999**

**in
H.C.C.C. NO. 265 OF 1997)

RULING OF THE COURT**

This is an application under rule 80 of this Court to strike out the appeal on three distinct grounds. Having carefully considered the submissions of the advocates of the parties, we are satisfied that there is no merit in any of the grounds urged before us. There is no primary document that has been omitted. Accordingly, the application fails and it is dismissed with costs.

Made at Nyeri this 31st day of October, 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