



**IN THE COURT OF APPEAL
AT NAIROBI
CORAM: OMOLO, TUNOI & KEIWUA, J.J.A.
CIVIL APPLICATION NO. NAI 237 OF 2001**

BETWEEN

VICTOR CAETANO D'SOUZA

CAMILLA FRANCES D'SOUZA

PRITHPAL SINGH CHADA

**HARBANS KAUR CHADA (as Executrix of the estate of JAGJIT SINGH CHADA (DECEASED))
HARBANS KAUR CHADA**

CHADA	SANTOKH SINGH
CHADA	PARMINDER SINGH
CHADA	MANMOHAN KAUR
CHADA	KANWALJIT SINGH
DHANDA	HARDEV SINGH
PARSIN KAUR	APPLICANTS

AND

SAKI LIMITED	RESPONDENT
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**(Application to strike out a notice of appeal in an
intended appeal from a ruling of the High Court of
Kenya at Nairobi (O'Kubasu JA) dated 12th May, 2000**

in

**H.C.C.C. NO. 4503 OF 19

RULING OF THE COURT

It appears from what is stated in the replying affidavit of Mr Murugara that the respondent to this

application has lost interest in the intended appeal. The notice of appeal was lodged in Court on 24th May, 2000. That is well over one year and since then nothing has been heard from the respondent. Its advocates are unable to communicate with the respondent and in the circumstances it would be unfair to the applicants to keep the notice of appeal pending indefinitely. We allow the applicants' notice of motion dated 10th July, 2001, and order that the respondent's notice of appeal filed in the Court on 24th May, 2000, be and is hereby struck out with the costs thereof to the applicants.

Dated and delivered at Nairobi this 20th day of December, 2001.

R. S. C. OMOLO

JUDGE OF APPEAL

P. K. TUNOI

JUDGE OF APPEAL

M. Ole KEIWUA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR