



**REPUBLIC OF KENYA
COURT OF APPEAL AT NAIROBI**

civ app 30 of 99

JAMES NDUNG'U KARURI APPELLANT

AND

KENYA OIL COMPANY RESPONDENT

(Appeal from the Judgment of the High Court of Kenya at Nairobi (Hon. Justice Githinji) dated 2nd October, 1998 in

H.C.C.C No. 1119 of 1994

JUDGMENT OF THE COURT

This is an appeal from the judgment of the superior court (Githinji, J.) given on 2nd October, 1998 whereby he dismissed the plaintiff's suit with costs.

The plaintiff's suit was founded on an alleged contract but the learned judge found that the plaintiff had not proved that there was a contract which the defendant had breached.

On this appeal before us, we heard nothing to persuade us that the learned judge had erred in principle or otherwise or in reaching the conclusions which he did. On a consideration of the material before us we are satisfied, as the learned judge was, that there was no contract proved. In those circumstances, the learned judge was plainly right. For that reason, this appeal fails and is dismissed with costs.

Dated and delivered at Nairobi this 17th day of January, 2000.

R.S.C OMOLO

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

S.E.O BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR