



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA

AT NAIROBI

Civil Appli 317 of 2000 (UR.156/2000)

**JAMES MWANGI NG'ANG'A
 APPLICANT**

AND

**KENYATTA UNIVERSITY COUNCIL 1ST
 RESPONDENT**

DR. ONESMUS K. OLE MOIYOI

**CHAIRMAN, KENYATTA UNIVERSITY COUNCIL 2ND
 RESPONDENT**

**VICE CHANCELLOR KENYATTA UNIVERSITY 3RD
 RESPONDENT**

**PROF. GEORGE S. ESHIWANI 4TH
 RESPONDENT**

**LAWRENCE M. MUNGAI 5TH
 RESPONDENT**

(Application for a stay of execution of the Ruling and all Orders of the High Court of Kenya against the Applicant pending the filing and hearing and determination of the intended Civil Appeal from the Ruling and Orders of the High Court of Kenya at Nairobi (Hon. Commissioner of Assize Mr. Justice Visram) dated 23rd October, 2000

in

H.C.C.MISC.APPLICATION NO. 512 OF 1994)

RULING OF THE COURT

Mr Kowade, for the applicant, has applied for leave to withdraw this application on the ground that it has been overtaken by events. The applicant's appointment has been terminated and his place taken by someone else.

While the Court has a discretion whether or not to grant leave to the applicant to withdraw his application, in the particular circumstances of this case, the proper course to take is to dismiss the application since it is part-heard. It is so ordered. We make no order as to costs.

Dated and delivered at Nairobi this 15th day of February, 2000.

R. O. KWACH

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JUDGE OF APPEAL

A. B. SHAH

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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