

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: KWACH, SHAH & BOSIRE, J.J.A.

CIVIL APPLICATION NO. NAI. 317 OF 2000 (UR.156/2000)

BETWEEN

JAMES MWANGI NG'ANG'AAPPLICANT

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

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

JUDGE OF APPEAL

A. B. SHAH

JUDGE OF APPEAL

S.E.O. BOSIRE

JUDGE OF APPEAL

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

DEPUTY REGISTRAR