



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**

**AT NAIROBI**  
**CORAM: OMOLO, SHAH & O'KUBASU, J.J.A.**  
**CIVIL APPLICATION NO. NAI 341 OF 2000**

**BETWEEN**  
**LAWI KIPLAGAT ..... APPLICANT**  
**AND**  
**DELPHIS BANK LIMITED ..... RESPONDENT**

(An application to strike out a notice of appeal in an  
intended appeal from a ruling of the High Court of  
Kenya at Nairobi (Kuloba J) dated 18th May, 2000

in

H.C.C.C. NO. 1127 OF 1995)

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**RULING OF THE COURT**

The ruling of the court against which the respondent wished to appeal was delivered on 18th day of May, 2000. The respondent filed the notice of appeal on 29th May, 2000; it then applied for proceedings on 23rd June, 2000. The Deputy Registrar of the superior court informed the respondent on 8th August, 2000, that the proceedings requested by the respondent were ready for collection as at that date. No appeal has been filed and in the circumstances the applicant is entitled to ask that the notice of appeal be struck out. The respondent's advocates were served with notice to appear to-day for this hearing. The advocates are not here. We allow the application, and strike out the notice of appeal dated and lodged in court on 29th May, 2000. We award to the applicant the costs of this motion. These shall be our orders.

**Dated and delivered at Nairobi this 4th day of June, 2000.**

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**A. B. SHAH**

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**JUDGE OF APPEAL**

**E. O. O'KUBASU**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**