



IN THE COURT OF APPEAL

AT NAIROBI

CORAM: SHAH, BOSIRE & O'KUBASU, J.J.A

CIVIL APPLICATION NO. NAL. 118 OF 2000

BETWEEN

PHILIP MWANIKI WACHIRA.....APPLICANT

AND

BLUE SHIELD INSURANCE CO. LTD.....RESPONDENT

(Application to strike out a notice of Appeal in an intended appeal from a judgment of the High court of Kenya at Nairobi (Mr. Justice Mbogholi Msagha, J) dated 6/5/2000 in

H.C.C.C. NO. 1799 OF 1991)

RULING OF THE COURT

Mr. Gitonga who appears for the applicant has, in our view quite properly, applied to withdraw this application, in view of the contents of the replying affidavit filed on behalf of the respondent. This application is therefore marked as withdrawn with no order as to costs.

Dated and delivered at Nairobi this 28th day of September, 2000.

A.B. SHAH

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

E. O'KUBASU

.....

JUDGE OF APPEAL

I certify that this is

a true copy of the original.

DEPUTY REGISTRAR.