



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**CORAM: TUNOI, SHAH & O'KUBASU, J.J.A**  
**CIVIL APPLICATION NO. NAI. 96 OF 2000**  
**BETWEEN**

**P.S. ABDALLA.....APPLICANT**  
**AND**  
**REJENDRA SINGH GOHIL.....RESPONDENT**

**(An application for discharge of an injunction in an intended appeal from the High Court of Kenya**  
**at**  
**Nairobi (Mr. Justice Rauf) dated 3.11.89**  
**in**  
**H.C.C.C. NO. 2451 OF 1988)**  
**\*\*\*\*\***  
**RULING OF THE COURT**

This is an application for discharge of an injunction granted by this Court on 14th December, 1989. That injunction was granted when there was a notice of appeal properly lodged in this Court by the respondent. An appeal was duly filed and was disposed off on the 7th October, 1994. There is therefore no appeal pending in this Court. We are not concerned with whatever steps the respondent may wish to take in the superior court or may be taking. Insofar as this Court is concerned there is nothing pending here and as the injunction was granted pending hearing and the determination of an appeal which has been heard and determined the injunction granted by this Court is in reality spent. The suit in the High Court has been dismissed for want of prosecution. As of now there is no suit pending in the High Court. The injunction granted by this Court on 14th day of December, 1989 is hereby discharged and the motor vehicle registration number KYZ 789 is ordered to be released to the applicant forthwith. The applicant will have costs of this application payable by the respondent. As regards the Commissioner of Customs & Excise there will be no order as to costs.

**Dated and delivered at Nairobi this 5th day of October, 2000.**

**P.K. TUNOI**  
.....  
**JUDGE OF APPEAL**

**A.B. SHAH**  
.....  
**JUDGE OF APPEAL**

**E. O'KUBASU**  
.....  
**JUDGE OF APPEAL**

I certify that this is a

true copy of the original.  
**DEPUTY REGISTRAR.**

