

REPUBLIC OF KENYA

IN THE COURT OF APPEAL AT KISUMU

CIVIL MISCELLANEOUS APPLICATION NO. 215 OF 2000

JOSEPH OGERO OBONYO APPLICANT

AND

THABITI INSURANCE BROKERS LIMITED RESPONDENT

RULING OF THE COURT

This is an application to strike out the notice of appeal filed on 22nd October, 1999 on the ground that the same is invalid. It purports to have been given on behalf of the plaintiff. It has not so intended because the plaintiff is Mr. Obonyo whilst the appellant is not the plaintiff but Thabiti Insurance Brokers Limited. Mr. Ocharo made a gallant attempt to save the day but in our judgment noting that he has said that persuades us that notice is good or that the notice can be amended as it is plainly a primary document. It follows that the application succeeds and the notice of appeal is struck out. Consequently, the order of stay granted on 12th May, 2000 is also hereby vacated.

The applicant shall have the costs of the application dated 8th June, 2000.

Dated and delivered at Kisumu this 24th day of November, 2000.

J. E. GICHERU

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JUDGE OF APPEAL

A. A. LAKHA

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JUDGE OF APPEAL

M. KEIWUA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR