



**IN THE COURT OF APPEAL  
AT NAIROBI  
CORAM: BOSIRE J.A (IN CHAMBERS)  
CIVIL APPLICATION NO. NAI 71 OF 2000**

**BETWEEN  
FORTUNE FINANCE LIMITED ..... APPELLANT**

**AND**

**GEOFFREY NGUGI GATHAIYA .....RESPONDENT**

(An application for striking out a Notice of Appeal in an intended appeal from the judgment of the High Court of Kenya at Nairobi (Hon. Mr. Justice Moiwo Ole Keiwua) dated 25th day of June, 1998

**in**

**H.C.C.C 249 OF 1998  
FORMERLY H.C.C.C NO. 34 OF 1998)**

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**R U L I N G**

As the application by Geoffrey Ngugi Gathaiya for leave to file a further affidavit in Civil Appeal/Application No. 159 of 1998 is not opposed, leave is hereby granted as prayed. The said affidavit to be filed within seven days from the dīa tmea keh enroe ofo.rder as to costs.  
**Dated and delivered at Nairobi this 2nd day of November, 2000.**

**S. E. O. BOSIRE**

.....

**JUDGE OF APPEAL**

I certify that this is

a true copy of the original.

**DEPUTY REGISTRAR**