



**IN THE COURT OF APPEAL**

**AT KISII**

**(CORAM: MUSINGA. GATEMBU & MURGOR JJ.A.)**

**CIVIL APPEAL NO. 81 OF 2014**

**BETWEEN**

**BENARD OTIENO AYIEKO.....APPELLANT**

**AND**

**KRISANTUS ODERO.....RESPONDENT**

**(Appeal from the Ruling of the High Court of Kenya at Homa-Bay**

**( Maina, J.) dated 14th November, 2013**

**MISC.APPL. NO.10 OF 2013**

\*\*\*\*\*

**ORDER OF THE COURT**

The appellant's advocate was duly served with today's hearing notice on 20th April, 2015. He acknowledged service by stamping and signing on the face of the hearing notice.

He is however not in court to prosecute the appeal dated 5th May, 2014. The respondent is also not in court. We understand that the appellant's counsel was to serve today's hearing notice upon the respondent.

In the circumstances, this appeal is dismissed for want of prosecution pursuant to the provisions of rule 102 (1) of this Court's Rules.

We make no order as to costs.

**Dated at Kisii this 7th day of May, 2015**

**D.K. MUSINGA**

.....  
**JUDGE OF APPEAL**

**S. GATEMBU KAIRU**

.....  
**JUDGE OF APPEAL**

**A.K.MURGOR**

.....  
**JUDGE OF APPEAL**

I certify that this is a  
true copy of the original

**DEPUTY REGISTRAR**



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)