



**REPUBLIC OF KENYA**

**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CORAM: TUNOI, LAKHA & PALL, JJ.A.**

**CIVIL APPLICATION NO. NAI 18 OF 1997**

**BETWEEN**

**GEORGE GIKUBU MBUTHIA  
LEAH WANJIRU MBUTHIA  
PETER MBUTHIA NJUGUNA  
PALACE INVESTMENTS LIMITED .....APPELLANTS**

**AND**

**SMALL ENTERPRISES FINANCE LIMITED  
RECEIVER/MANAGER  
PALACE DRY CLEANERS LIMITED.....RESPONDENTS**

**(An application for stay of execution and further proceedings  
from the ruling of the High Court of Kenya at Nairobi  
(Justice Mbogholi-Msagha) dated 16th January, 1997  
in**

**H.C.C.C. NO. 3088 OF 1994**

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**RULING OF THE COURT**

We are satisfied on the facts and submissions presented before us by the applicants that there are no arguable grounds in the intended appeal. Moreover, it has not been shown that if the stay sought is withheld, it would render the intended appeal nugatory in any manner. As we dealt with a similar application based, more or less, on the same facts not more than six months ago, we think that this instant application, to say the least, is manifestly frivolous and amounts to an abuse of the process of the court. We dismiss the application with costs assessed at KShs.4,000/= to be paid within 14 days hereof.

**Dated and delivered at Nairobi this 24th day of April, 1997.**

**P. K. TUNOI**

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**JUDGE OF APPEAL**

**A. A. LAKHA**

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**JUDGE OF APPEAL**

**G. S. PALL**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**



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