



**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA IN THE COURT OF APPEAL**  
**AT KISUMU**

**(Coram: Gicheru, Tunoi & Lakha, JJ.A.)**  
**CIVIL APPEAL NO. 197 OF 1998**  
**BETWEEN**

**SHEM OKEYO ONYANGO.....APPELLANT**  
**AND**

**CAMLUS ODUOR MADIALO.....RESPONDENT**  
**(An appeal from the Ruling and Order of the High Court of**  
**Kenya at Kisumu (Wambilyangah, J.) dated 21st April, 1998**  
**in**  
**H.C.C.C. NO. 107 OF 1992)**

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**ORDER OF THE COURT:**

Counsel for the appellant concedes that the record of this appeal does not contain a certified copy of the order appealed from as is mandatorily required by rule 85(1)(h) of the Court of Appeal Rules. In the result the said appeal is incompetent and is struck out with costs to the respondent as the point of non-inclusion of the certified copy of the order appealed from was raised in the respondent's application to strike out this appeal. Dated and delivered this 24th day of November, 1999.

**J.E. GICHERU**  
.....  
**JUDGE OF APPEAL**

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

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

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

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