



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: GICHERU, KWACH & OMOLO, JJ.A.)
CIVIL APPEAL NO. 109 OF 1999
BETWEEN

STEPHEN WANYEE KINUTHIA APPELLANT
AND
SIMON MACHARIA KINUTHIA RESPONDENT

RULING OF THE COURT

As Mr. Kigotho, for the appellant, concedes that the error on the memorandum of appeal is fatal and therefore renders the appeal incompetent, we have no option but to strike out the appeal, which we hereby do. The respondent will have the costs of the motion and the appeal.

Orders accordingly.

Dated and delivered at Nairobi this 15th day of December, 1999.

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

R. O. KWACH
.....
JUDGE OF APPEAL

R. S. C. OMOLO
.....
JUDGE OF APPEAL

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