



REPUBLIC OF KENYA
IPA LABORATORIES LIMITED APPELLANT
AND
NATURE PHARMACY LIMITED RESPONDENT

RULING OF THE COURT

It is not in dispute that the defence to the counterclaim (which is an admitted pleading) is not included in the record in breach of mandatory provisions of **rule 85(1)(c)** of the Rules of this Court. This renders the record incurably defective and incompetent. Accordingly, the appeal is struck out as incompetent with costs.

Made and delivered at Nairobi this 30th day of November, 1999.

R.O. KWACH
.....
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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