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|------------------------------|---|
| Case Number:                 | civ app 48 of 99  |
| Date Delivered:              | 30 Nov 1999   |
| Case Class:                  | Civil   |
| Court:                       | Court of Appeal at Nairobi  |
| Case Action:                 | -   |
| Judge:                       | Philip Kiptoo Tunoi, Abdulrasul Ahmed Lakha, Richard Otieno Kwach |
| Citation:                    | IPA LABORATORIES LIMITED vs NATURE PHARMACY LIMITED[1999] eKLR    |
| Advocates:                   | -   |
| Case Summary:                | -   |
| Court Division:              | -   |
| History Magistrates:         | -   |
| County:                      | -   |
| Docket Number:               | -   |
| History Docket Number:       | -   |
| Case Outcome:                | Allowed   |
| History County:              | Baringo   |
| Representation By Advocates: | Neither party represented   |
| Advocates For:               | -   |
| Advocates Against:           | -   |
| Sum Awarded:                 | -   |

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**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.**  
**DEPUTY REGISTRAR**



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