

REPUBLIC OF KENYA

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, TUNOI & LAKHA, J.J.A.)
CIVIL APPEAL NO. 101 OF 1994**

BETWEEN

**COAST BUS COMPANYAPPELLANT
AND
GIDEON NDEKE MUNYAO (SUING AS NEXT OF KIN TO
JONAH NDEKE MUNYAO AND NZEMBI MUNYAORESPONDENT**

**(Appeal from judgment of the High Court of Kenya at
Machakos (Honourable Mr. Justice Osiemo) dated 17th
March 1993**

**in
H.C.C.C. NO. 96 OF 1993)

ORDER OF THE COURT

The decree incorporated in the record of appeal lodged in this court on 28th June, 1994 is wrongly dated and therefore, contravenes Order 20 rule 7 of the Civil Procedure Rules. Consequently, the appeal is rendered defective and is accordingly struck-out. The order of stay granted by the superior court is vacated and the money deposited with Prudential Finance Co. Ltd. is ordered released to the respondent. We make no order as to costs.

Dated and delivered at Nairobi this 5th day of November, 1986.

R. O. KWACH

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JUDGE OF APPEAL

P. K. TUNOI

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JUDGE OF APPEAL

A. A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR