



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**(CORAM: AKIWUMI, LAKHA J.J.A & BOSIRE AG. J.A.)**

**CIVIL APPEAL No. 5 of 1995**

**BETWEEN**

**MR MUTEMI SHADRACK K. NDEGWA.....APPELLANTS**

**AND**

**PHILIP MUNYAO NGUMBI.....RESPONDENT**

(Being an appeal from the judgment of the High Court of Kenya at Machakos (Justice Osiemo) on the 5th May, 1994

in

H.C.C.C. No. 17 of 1993)

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**ORDER OF THE COURT**

The record of appeal does not include a certified copy of decree as is mandatorily required by rule 35(1) (b) of the rules of this court. Accordingly the appeal is incurably defective as renders the appeal incompetent. It is therefore struck out with no order as to costs.

Dated and delivered at Nairobi this 16th day of December 1996.

**A.M. AKIWUMI**

.....

**JUDGE OF APPEAL**

**A.A. LAKHA**

.....

**JUDGE OF APPEAL**

**S.E.O. BOSIRE**

.....

**AG. JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**