



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA PEAL AT NAKURU**

Civil Appeal (Appli) 47 of 2004

BETWEEN

EGERTON UNIVERSITY.....APPLICANT/RESPONDENT

GITHINJI KAROKI.....RESPONDENT/APELLANT

AND

(An application to strike out Civil Appeal No. 47 of 2004 in an appeal from the judgment and decree of the High Court of Kenya at Nakuru (Lady Justice Angawa) dated 27th November, 2001

in

HCCC NO 117 OF 1999)

RULING OF THE COURT

The application of Egerton University, through its learned counsel Mr Otieno Olola is that Civil Appeal No. 47 of 2004 be struck out because the notice of appeal and the decree included in the record of appeal are incurably defective. Mr Karanja, learned counsel for the respondent Githinji Karoki concedes that the record of appeal is incurably defective and that we strike it out. We agree and allow the applicant’s notice of motion dated and lodged in Court on 16th March, 2004 and order that Civil Appeal No. 47 of 2004 be and is hereby struck out. We award to the applicant the costs of the struck out appeal and the costs of the notice of motion.

Dated and delivered at Nakuru this 3rd day of March, 2006.

R.S.C. OMOLO

.....

JUDGE OF APPEAL

P.K. TUNOI

.....

JUDGE OF APPEAL

W.S. DEVERELL

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR