



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**HIGH COURT CIVIL APPEAL NO. 59 OF 2007**

**MICHAEL MURIMI KAMANZI ..... APPELLANT**

**VERSUS**

**JAMESONS INDUSTRIES LIMITED**

**& ANOTHER ..... RESPONDENT**

**JUDGMENT**

On 8<sup>th</sup> July, 2015 I allowed the appeal herein with costs to the appellant. However, the judgment was silent on interest payable and both parties have revisited the said judgment.

The appellant submits that interest is payable while the respondents oppose this on the ground that it was not awarded by the court.

This court must admit it was an error on its part to have failed to make an order relating to costs. To revisit the ruling is not to sit on appeal on its own judgment and therefore I have to do so in the interests of justice.

Interest is awardable at the discretion of the court. See Section 26 of the Civil Procedure Act. From the cited cases **HCCA NO. 40 OF 2007 and NAIROBI HCCA NO. 263 OF 2006**. The said interest should be awarded from the date of the decree of the lower court.

Applying the principle of the slip rule, I find that interest is awarded in my judgment aforesaid. General damages attract interest from the date the lower court ought to have pronounced itself while interest on special damages is payable from the date of filing suit in the lower court. Costs also attract interest.

It is so ordered.

*Dated, signed and delivered at Nairobi this 23<sup>rd</sup> day of March, 2016*

**A. MBOGHOLI MSAGHA**

**JUDGE**