



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Miscellaneous Application 631 of 2012**

**IN THE MATTER OF AN APPLICATION UNDER SECTION 27, 28 AND 30 LIMITATION OF  
ACTIONS ACT (CAP 22)**

**JOSEPH APWOYO OKUN.....APPLICANT**

**R U L I N G**

1. In this application by **notice of motion dated 6.11.2012** the Applicant seeks leave under **sections 27 and 28** of the **Limitation of Actions Act, Cap 22** to file suit out of time. The application is *ex parte* by law.
2. The application has been made by the Applicant in person, and it leaves a lot to be desired. But I have perused all the papers placed before the court.
3. It appears that the intended suit will be founded on the tort of negligence and will be for damages for personal injuries received by the Applicant on 24<sup>th</sup> April 2009. Suit therefore ought to have been filed on or before 23<sup>rd</sup> April 2012.
4. The Applicant has explained the delay in filing suit by the documents that he has annexed to his application. I am otherwise satisfied that the requirements of section 27(2) and section 28 of the Limitation of Actions Act have been met, and I will grant the leave sought.
5. The intended suit shall be filed within sixty (60) days of delivery of this ruling. Costs of the application shall be in the intended suit. It is so ordered.

**DATED AND SIGNED AT NAIROBI THIS 20<sup>TH</sup> DAY OF FEBRUARY 2013**

**H. P. G. WAWERU**

**JUDGE**

**DELIVERED AT NAIROBI THIS 22<sup>ND</sup> DAY OF FEBRUARY 2013**