



IN THE HIGH COURT OF KENYA

AT NAKURU

CIVIL APPEAL NO. 69 OF 2009

VINCENT ORUTWA BARAKE.....APPLICANT

VERSUS

TIMSALES LIMITED.....RESPONDENT

RULING

The appeal was filed on 23rd April 2009 and 27th April 2011 the court took out a Notice to the Appellant to show cause why no steps have been taken towards prosecution of the appeal. **Mr. Gekong'a** has filed an affidavit in reply in which he contends that he has taken steps towards prosecution of the appeal by writing to the Executive Officer, Nakuru, requesting for proceedings of the Lower Court to enable him prepare the record of appeal but so far, there has been no response.

The counsel exhibited the letters dated 3rd September 2009, 15th April 2010 and the most recent one dated 8th February 2011 in which the counsel sought to be supplied with proceedings and judgment to enable them prepare the record of appeal. I am satisfied that some effort has been made in trying to have the appeal prosecuted and now the court directs that the Appellant do brace for the said proceedings and judgment, prepare for the record of appeal. The Deputy Registrar, Nakuru High Court is directed to expedite the typing of proceedings to enable the appellant prepare the record of appeal, have it admitted and fixed for hearing within the next 6 months.

DATED and DELIVERED this 17th day of May, 2011.

R. P. V. WENDOH
JUDGE

PRESENT:

Mr. Moseti for Appellant

No appearance for Respondent

Kennedy – Court Clerk