

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUNGOMA

Civil Appeal 23 of 2004

MICHAEL KINUTHIA.....1ST DEFENDANT

JAYANTILAN. KANABIR..... 2ND DEFENDANT/APPELLANT

TIMOTHY NYONGESA WAKWABUBI.....3RD DEFENDANT/APPELLANT

VERSUS

GITAU NJOROGE.....RESPONDENT

RULING

The appeal was admitted for hearing on

15th August 2005. When the appeal came up for directions on 7th February 2006, Mrs Aburili for the appellant, drew my attention to the fact that the decree was missing. She sought leave of the Court to file supplementary record of Appeal. She invoked the Provisions Section 3 and Section 3A of the Civil Procedure Act (Cap 21) Laws of Kenya.

I have taken note that the oral application has been made at the hearing of directions. Accordingly, I allow the application and further order that the supplementary memorandum of appeal be filed and served within 30 days from the date hereof.

Dated and delivered at Bungoma this 14th day of February 2006.

N.R.O. OMBIJA

JUDGE