



IN THE HIGH COURT OF KENYA AT NAIROBI  
CIVIL CASE NO.2160 OF 1985

BALLANTINE AWILLI .....PLAINTIFF  
VERSUS  
KENYA BUS SERVICES LTD ..... DEFENDANT

RULING

The Applicant by his Notice of Motion of the 23rd December 2004 seeks to set aside the Judgment of Mr. Justice Githinji (as he then was) of the 3rd February 1993.

Mr. Ngoge submitted that there was an error on the face of the record namely that the plaintiff's services were not terminated.

In his Judgment the Learned Judge found that the Plaintiff's services were terminable upon reasonable notice, which he determined to be six months notice.

If the Plaintiff is dissatisfied with this finding his proper remedy is to appeal. I cannot at this stage say that there was an error on the face of the record. If he is dissatisfied the Applicant's remedy is appeal.

In any event, although the Plaintiff may have been acting in person to bring this application some 12 years or so after the event is much too long.

In the result I dismiss this application with costs to the Respondent.

**Dated and delivered at Nairobi this 6th day of May 2005**

**P.J. RANSLEY**  
**JUDGE**