

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

CIV APP 70 OF 02

TRANSAMI (K) LIMITED.....APPELLANT

= V E R S U S=

ANDREW M. MDINDI.....RESPONDENT

R U L I N G

15/3/2004

Coram: Before Hon. J. Khaminwa

Ms Abuodha – for the Applicant

Mrs. Tutui – for the Respondent

Court Clerk – Chege

Ms Abuodha

After perusing the replying affidavit I ask the court to issue directions as to the typing of the proceedings. The record in the original file has not been brought up yet. Court It is to be seen that the Deputy Registrar has requested for original record at least twice and no action has been taken by the Chief Magistrate. This appeal cannot therefore proceed and neither party can be blamed. The Chief Magistrate is hereby directed to comply with the request made by Deputy Registrar by her letters of 3.5.02, 6.4.0a3 and the latest which is undated within the next 21 days.

This Ruling to be typed and served upon Chief

Magistrate, Mombasa.

Mention on 21/4/04.

Dated this 15th day of March, 2004.

JOYCE KHAMINWA

J U D G E