

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CIVIL APPEAL NO 362 OF 2002

CHANDARIA INDUSTRIES LIMITED APPELLANT
VERSUS
FRANCIS MAHIA MWANGI RESPONDENT
RULING

This is an application to review and set aside the Order of this Court made on 12th March, 2004 dismissing this appeal for want of prosecution.

Based on the grounds outlined in extensive detail, and the supporting affidavit annexed, it is clear that at the date the dismissal order was made, certified copies of the proceedings and judgment were not ready; and the appeal had not been admitted. Clearly, these matters were beyond the control of the Applicant who had in fact applied for the proceedings and who had taken steps to pursue its delivery.

Accordingly, the Order of this court made on 12th March, 2004 dismissing this appeal is set aside, and the appeal is reinstated. Costs shall be in the cause.

Dated and delivered at Nairobi this 10th December, 2004.

ALNASHIR VISRAM

JUDGE