



**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**CIVIL APPEAL NO. 20 OF 1998**

**CHARLES B. JUMAE ..... APPELLANT**

**VERSUS**

**EXPRESS PROCUREMENT SERVICES LTD. .... RESPONDENT**

**RULING**

The Applicant express Procurement Services Limited were aggrieved by the Ruling by the court of the 8th September 2000 and preferred to appeal against the same. A notice was issued and an appeal filed without seeking leave of the court and to do so and consequently the appeal was dismissed. The Applicant now seeks leave to lodge the said appeal.

The application was served upon the counsel for the Respondent and a return of service filed. I have read the said return of service and noted that in deed service was effected and grounds of opposition filed. There has not been shown that the Respondent will suffer any prejudice if the application is allowed. I will grant the same. However, the said appeal is to be filed and prosecuted within a period not exceeding 18 months from the date hereof. Costs will be in the cause.

**Dated at Mombasa this 22nd day of May 2003.**

**P.M. TUTUI**  
**COMMISSIONER OF ASSIZE**

**Delivered at Mombasa this 16th day of June, 2003.**