

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MISC APPLICATION NO. 531 OF 2001
DAVID CHEGE MWANGI.....APPLICANT
VERSUS
UNIVERSITY OF NAIROBI.....DEFENDANT

RULING

This is an application for leave to file suit against the University of Nairobi out of the limitation period. According to draft plaint, the intended claim is for payment of allowance arising from a contract of employment.

The application is brought under S. 3A Civil Procedure Act Principles of equity Doctrine of Natural justice. So the application to succeed the applicant has to show that the court has jurisdiction to extend the limitation period. I know of no Law, which empowers court to extend limitation period to file a suit for enforcement of contractual rights. The only power court has is to extend limitation period under 27 and 28 of the Limitation of Action Act to file a suit to claim damages for personal injuries. The only alternative applicant has is to file the suit and plead facts in the plaint showing that the limitation period does not apply to his case. As I have no jurisdiction to grant orders sought, I dismiss the application.

Judge

4.7.2001