



**Kenya Power & Lighting Company Limited v Odiyo (Suing as the Administrator and Personal Representative of the Estate of David Ochieng Oranga Odiyo) (Civil Appeal E145 of 2023) [2024] KEHC 3883 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3883 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL E145 OF 2023  
RE ABURILI, J  
APRIL 19, 2024**

**BETWEEN**

**KENYA POWER & LIGHTING COMPANY LIMITED ..... APPELLANT**

**AND**

**GABRIEL ORANGA ODIYO (SUING AS THE ADMINISTRATOR AND PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID OCHIENG ORANGA ODIYO) ..... RESPONDENT**

*(Being an appeal from the Judgment of Hon. J. Wambilyang SPM, delivered on 17th July 2023 in Kisumu CMCC No. E87 of 2022)*

**RULING**

1. Appeal is summarily rejected as there is no evidence that leave was sought and obtained extending time for filing of the appeal out of time.
2. The Judgment as impugned was delivered on 17<sup>th</sup> July 2023 whereas the appeal herein was filed on 29<sup>th</sup> August 2023 and in addition, there is no evidence of court fees paid for filing of the Memorandum of Appeal.
3. The appeal is struck out for being incompetent.
4. This file is closed.
5. The Appellant to be notified.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 19<sup>TH</sup> DAY OF APRIL, 2024**

**R. E. ABURILI**

**JUDGE**

