

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CIVIL APPEAL 44 OF 2019

KENYA WILDLIFE SERVICEAPPELLANT

VERSUS

GEORGE OTIENO ONJURU

(Suing as the legal Representative

Of the Estate of BRAMWELS OTIENO

(DECEASED) RESPONDENT

(Being an appeal from the Judgment and decree of Bondo PMCC No. 80 of 2017 dated 21.11.2019 before Hon. E.N. WASIKE – S.R.M.)

RULING

1. The decree and judgment of the lower court was made on 13.9.2019. An Appeal to the High Court from judgment of the lower court lies within 30 days of the date of such judgment. This is the stipulation of **Section 79 G of the Civil Procedure** Act. In this Appeal, Memorandum dated 15.10.2019 was filed on 17.10.2019. 30 days from 13.9.2019 ended or lapsed on 14.10.2019. Accordingly, this appeal was filed out of time without leave of court.
2. The appeal is fatally incompetent and cannot be admitted to hearing as this court is devoid of jurisdiction to entertain a stale appeal.
3. The appeal is hereby struck out with no orders as to costs.
4. Orders accordingly.

Dated, Signed and Delivered at Siaya this 5th Day of December 2019

R.E. ABURILI

JUDGE