

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: SHAH J.A (IN CHAMBERS))
CIVIL APPLICATION NO. NAL.209 OF 1998 (83/98 UR)
BETWEEN

KITALE MUNICIPAL COUNCILAPPLICANT
AND
COMPWARE LIMITEDRESPONDENT

**(Application for leave to file and serve Notice of appeal
from a judgment of the High Court of Kenya at Kisumu
(Mr. Justice Wambilyangah) dated 20th March, 1998
in
H.C.C.C. NO. 178 OF 1996**

RULING

In the absence of the respondent and also as there is no replying affidavit to challenge the facts as deposed to by Mr. Kiarie, I grant the first prayer of the Notice of motion dated 11th May, 1998. Costs of this application will be costs in the intended appeal. So to leave no room for doubt, the notice of appeal will be filed within the next seven days and the record of appeal may be filed within 30 days of the proceeding being available.

Dated and delivered at Nairobi this 17th day of

September, 1998.

A.B SHAH

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR