

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
CORAM: OMOLO, J.A. (IN CHAMBERS)
CIVIL APPEAL NO. 6 OF 1998

BETWEEN
MARY WAHITO MBUGUAAPPELLANT
AND
PUNDA MILIA FARMERS CO-OPERATIVE SOCIETY LTDRESPONDENT
AND
NAIROBI CITY COUNCILINTERESTED PARTY

(Appeal from the judgment and decree of the High Court of
Kenya at Nairobi (Hon. Lady Justice Effie Owuor)
made on the 12th March, 1997
in
H.C.CIVIL APPEAL NO. 234 OF 1996)

RULING

Under Rule 4 of the Court's Rules, a Judge of the court is entitled to validate that which has been done contrary to the rules, unless the rule so violated makes mandatory provisions. A Judge of this court is entitled to grant leave to a party to file a supplementary record. The applicant has in fact filed a supplementary record and from what I am told the supplementary record file only seeks to make the appeal record more legible. I can see no valid reason for refusing leave and that being my view of the matter I allow the notice of motion dated the 17th July, 1998 and filed in court on the 20th July, 1998. I make orders as prayed in paragraphs (1) and (2) of the said motion. The costs of the motion shall be in the appeal.

Those shall be my orders.

Dated and delivered at Nairobi this 9th day of November,1998.

R. C. OMOLO
JUDGE OF APPEAL

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

DEPUTY REGISTRAR

