



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: LAKHA, PALL & BOSIRE, JJ.A)

CIVIL APPEAL NO. 32 OF 1996

BETWEEN

ACHELIS KENYA LIMITED.....APPELLANT

AND

FRANCIS NYAKABA MAKEBO.....RESPONDENT

(An appeal from the Judgment and decree of the High Court of Kenya at Eldoret (Hon. Nambuye) dated 30th November,1995

IN

H. C. C. NO. R62 OF 1992)

ORDER OF THE COURT

This appeal is against judgment and decree dated 30th November, 1995. However, the certified decree which is part of this record is dated 9th February, 1996. The request for certified copies of the proceedings was not copied to the respondent in breach of rule 81. So there is no automatic extension of time for filing the appeal.

Moreover, none of the exhibits produced in the superior court forms part of the record and they are primarily documents according to rule 85(1)(f). They cannot be brought on record by way of a supplementary record.

For all these reasons, the appeal is incompetent. It is hereby struck out with no order as to costs.

Dated and delivered at Nairobi this 22nd day of February, 1997.

A. A. LAKHA

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JUDGE OF APPEAL

G. S. PALL

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JUDGE OF APPEAL

S. E. BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR