



**REPUBLIC OF KENYA**

**IN THE COURT OF APPEAL**

**AT NAIROBI**

**(CORAM: SHAH J.A. (IN CHAMBERS))**

**CIVIL APPLICATION NO. NAI 331 OF 1996**

**BETWEEN**

**AMOS LEITATO KISHOYIAN & 4 OTHERS.....APPLICANTS**

**AND**

**KEROKE OLE NKOITIKO & 11 OTHERS.....RESPONDENT**

**(Application for leave to file an appeal out of time and  
file and serve Notice of Appeal out of time in an  
intended appeal from ruling of the High Court of  
Kenya at Nairobi (Mr. Justice Aganyanya) dated 31st  
July, 1996  
in  
H.C.C.C. NO. 1705 OF 1996**

**R U L I N G**

This is a most unsatisfactory application. It took some minutes for applicant's counsel to even `fish' out the notice of appeal, to show to me that the same was filed on 5th August, 1996. On being asked if a copy of the letter bespeaking the copies of the proceedings was sent to the respondent's advocates counsel for the applicant said no. The ruling which is sought to be appealed against is not dated. The reasons for such ruling, given later, do not have a date also. The mandatory requirements of order 20 rule 3(1) as held with order 20 rule 7(b) have not been complied with. The application before me gives no inkling to me as to what it is all about. Plaintiff and defence in the superior court are not before me. Nor is the application which was dismissed by the learned judge.

I do not intend to exercise my discretion under rule 4 in view of the slipshod manner in which this application is before me. It is struck out with costs.

**Dated and delivered at Nairobi this 2nd day of May, 1997.**

**A.B. SHAH**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**