



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAIROBI
CIVIL APPEAL 233 OF 1996

KIMANZI MBOO.....APPELLANT

AND

DAVID MULWA MUTHUSI.....RESPONDENT

(An appeal from the decree/judgment of the High Court of Kenya

at Machakos(Hon. Mwera J) delivered on 11th September, 1996

in

H.C.C.MISC. APPLICATION NO. 52 OF 1996

JUDGMENT OF THE COURT

The respondent applied on 9.5.1996 for leave to apply for an order of certiorari to quash an award made on 9.10.1994 by the land Dispute Tribunal. Under the Law Reform Act as well as under order 53 r. 2, no application for leave can be entertained unless it is made within six months of the date of the award or order. The application for leave having been granted when it had been made well out of the prescribed period of six months, no leave could have been granted. The order for leave is therefore a nullity and so is the order quashing the award. The appeal is therefore allowed with no order as to costs.

Dated this 25th day of September 1997.

R. O. KWACH

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JUDGE OF APPEAL

R. S. C. OMOLO

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JUDGE OF APPEAL

G. S. PALL

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR