

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, SHAH & LAKHA, JJ.A.)
CIVIL APPEAL NO. 129 OF 1991**

BETWEEN

MOSES MURIITHI GITHUIAPPELLANT

AND

EDWIN HAYANGA OHORERESPONDENT

(An Appeal from the Judgment of the High Court of Kenya at
Nairobi (Justice Tank) dated 26th June, 1990

in

H.C.C.C. NO. 4685 OF 1987)

RULING OF THE COURT

The appeal against the decree of the superior court dated 26th June, 1990 was filed on 22nd August, 1991. According to the Certificate of Delay the proceedings and judgment were ready on the 22nd January, 1991. Accordingly, the last date for the filing of appeal was 21st March, 1991, with the result that the appeal was filed five months out of time without leave. In the circumstances, the appeal is incompetent and it is struck out. We make no order for costs.

Dated and delivered at Nairobi this 9th day of February, 1996.

R.O. KWACH

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JUDGE OF APPEAL

A.B. SHAH

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

I certify that this is a

true copy of the original.

DEPUTY REGISTRAR