

Karani v Kijana

Court of Appeal, at Nairobi October 10, 1986

Hancox,Platt & Gachuhi JJA

Civil Application No NAI 22 of 1986

October 10, 1986, Hancox,Platt & Gachuhi JJA delivered the following Judgment.

The record and Memorandum of the intended appeal for filing which Kneller, JA, extended the time limit on July 8, 1986, not yet having been filed, as Mr Onalo for the 48 applicants was under the misapprehension that the Record of the High Court proceedings in High Court Civil Case No 67 of 1985 had not been forwarded from Eldoret (as it clearly has, see the letter from that court of February 20, 1986) and applicants/intended appellants do have leave to file their memorandum of appeal and record of Appeal from the decision of VV Patel J, of September 1985, within 60 days from today that is to say by December 9, 1986.

The first respondent do also have leave to file a fresh affidavit exhibiting the decision and/or proceedings in Senior Resident Magistrate (Kitale) – Case No 15 of 1985, and any other material showing the alleged nexus between the 48 applicants and the land in question, at Three Rivers Farm LR 5364/2 Tranz-Nzoia District, within 40 days from today, that is to say by November 19, 1986. The 2nd and 3rd respondents leave, if they wish, to file an affidavit each, either generally in response to the further affidavit of the First respondent, within the 60 day period stated ie December 9, 1986. Meanwhile the exparte stay of execution granted by this court on February 1986, at Nakuru, is hereby continued. No orders as costs of today.