

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL APPEAL NO. E1224 OF 2023**

**KAZI SERVICES LIMITED .....**  
**.....APPELLANT**

**VERSUS**

**POSHAMA ABISAB INVESTMENT LTD.....**  
**RESPONDENT**

**RULING**

1. The Applicant in this matter sought to amend the memorandum of appeal so as to include the issue of interests. This application was filed one year after the original memorandum of appeal was filed and it has been opposed. One of the key issue for consideration before the Court can decide as to whether to allow an amendment of a memorandum of appeal or not, is prejudice. How will the parties be prejudiced if the issue of interests forms part of this appeal? I do not see how this can happen. The issue forms part of the decision that the lower Court reached and not from anywhere else. The delay of one year may be long but for the sake of justice especially now that I have said that

there is no prejudice to any party, it is better that interest be considered in this appeal.

2. The conclusion of the above is that the application is allowed and since the issue was not in the first memorandum of appeal, the Applicant will pay costs.

**DATED DELIVERED VIRTUALLY AND SIGNED ON THIS 7<sup>TH</sup> DAY OF MAY 2026.**

**L. P. KASSAN**  
**JUDGE**