



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MALINDI
civil misc appl 197 of 02
KASYI SURVITEX LIMITED APPLICANT
AND
KITALE MUNICIPAL COUNCIL
SAPAMO CONSULTANTS RESPONDENTS

(Being an application to strike out the notice of appeal in an intended appeal from a judgment of the High Court of Kenya at Mombasa (Comm Khaminwa) dated 10th May, 2002

in

H.C.C.C. NO. 384 OF 1993)

RULING OF THE COURT

The Notice of Appeal sought to be struck out was served on the applicant on 12-6-02 clearly outside the prescribed period of 7 days under rule 76 (1) of the Court of Appeal Rules the same having been lodged in the superior court on 24th May, 2002. An essential step in the proceedings was therefore not taken under the provisions of rule 80 of the Rules of this Court . In the result the said Notice of Appeal is struck out with costs to the applicant.

Made at Mombasa this 23rd day of January, 2003.

J. E. GICHERU

JUDGE OF APPEAL

P. K. TUNOI

JUDGE OF APPEAL

A. A. LAKHA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR