



IN THE COURT OF APPEAL

AT NAIROBI

(Coram: Omolo, Tunoi & Lakha JJ A)

CIVIL APPEAL NO 286 OF 2001

UHURU HIGHWAY DEVELOPMENT LTD & OTHERS.....APPLICANT

VERSUS

CENTRAL BANK OF KENYA DEPOSIT FUND

PROTECTION BOARD & 3 OTHERS.....RESPONDENT

(Appeal from a ruling of the High Court of Kenya at Nairobi Aganyanya J

dated the 12th day of July, 2001 in H.C.C.C No. 589 of 1999)

RULING

We think that the medical report that has been shown to us is from a reputable hospital; and moreover, no one has challenged its authenticity.

It would appear therefore that Mr Ojiambo is prevented from a reasonable cause, namely, an illness or incapacity to represent the firm of M/s Oraro & Company which is one of the main parties to the appeal. We believe that if we refuse adjournment it would mean that the said firm would not be represented in the appeal and thus occasioning it injustice. In the interests of justice we allow the application for adjournment. The appeal is taken out of to-day's and to-morrow's cause list and is stood over to new dates to be obtained in the Registry on a priority basis.

We advise the Deputy Registrar to assign at least four days for the hearing of the appeal. We order that the costs of today shall be in the appeal in any event.

Dated and delivered at Nairobi this 22nd day of May, 2002

R.S.C OMOLO

.....

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