



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**(CORAM: KWACH, LAKHA & BOSIRE, J.J.A.)**

**CIVIL APPEAL NO. 105 OF 2001**

**BETWEEN**

**THUITA MWANGI .....APPELLANT**

**AND**

**KENYA AIRWAYS LIMITED .....RESPONDENT**

(Appeal from the Judgment and Decree of the High Court of  
Kenya at Nairobi (Justice Andrew Hayanga) delivered on  
29th September, 2000

in

H.C.C.C. NO. 2570 OF 1994)

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**RULING OF THE COURT**

This is an application under rule 80 of the Rules of this Court to strike out the appeal as it was filed outside the prescribed time. The copies of the proceedings were ready on 15 March, 2001 and the last day for filing of the appeal was 14 May. Yet the appeal was not filed until 28 May 2001 without leave or any valid extension. The appeal is clearly filed out of time and therefore incompetent. Accordingly the appeal is struck out with costs including the costs of the application. Rule 81 however is of no merit as it does not apply

Dated and delivered at Nairobi this 6th day of June, 2002.

**R.O. KWACH**

.....  
**JUDGE OF APPEAL**

**A.A. LAKHA**

.....  
**JUDGE OF APPEAL**

**S.E.O. BOSIRE**

.....  
**JUDGE OF APPEAL**

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

