



**IN THE COURT OF APPEAL  
AT NAIROBI  
(CORAM: TUNOI, LAKHA & OWUOR, J.J.A.)  
CIVIL APPEAL (APPLICATION) NO. 150 OF 2002**

**BETWEEN**

**KENYA TEA DEVELOPMENT AGENCY LTD. ....APPELLANT**

**AND**

**KABIRO NDAIGA & CO. ADVOCATES .....RESPONDENT**

**(Application to strike out the Notice of Appeal and Record of  
Appeal in Civil Appeal No. 150 of 2002 being an Appeal  
from the Ruling/Orders of the High Court of Kenya at  
Nairobi by the (Honourable Justice Alnashir Visram) dated  
18th day of December, 2001**

**in**

**H.C. MISC. APPLICATION NO. 357 OF 2001)**

\*\*\*\*\*

**RULING OF THE COURT**

This is an application under **rule 80** of the Rules of this Court to strike out the Record of Appeal filed on **17th June, 2002** as being filed outside the prescribed period. This is clearly so having regard to the Certificate of Delay which shows that necessary advice of readiness of the proceedings was sent by a letter dated **4th March, 2002**. The last day for filing the record of appeal was **3rd May, 2002**. In the absence of any enlargement of time the appeal was filed out of time. It is therefore struck out with costs including costs of the application.

**Dated and delivered at Nairobi this 11th day of November, 2002.**

**P.K. TUNOI**

.....

**JUDGE OF APPEAL**

**A.A. LAKHA**

.....

**JUDGE OF APPEAL**

**E. OWUOR**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**