

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: LAKHA, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 3 OF 2001 (UR 3/2001)**

BETWEEN

**OBED MAINA 1ST APPLICANT
JOHN MENYWA 2ND APPLICANT
BERNARD KARIUKI 3RD APPLICANT
JOSEPH KIGATHI 4TH APPLICANT
PETER N. GITAU 5TH APPLICANT
KENNEDY MUTALII 6TH APPLICANT
PETER WACHIRA 7TH APPLICANT
AGNES WAMUKOTA 8TH APPLICANT
NAOMI OMBASA 9TH APPLICANT
FARIDA AJIRA 10TH APPLICANT
JAMES NJOROGI 11TH APPLICANT**

AND

KITALE MUNICIPAL COUNCIL RESPONDENT

**(Application for leave to amend a Notice of Appeal and for
extension of time to file and serve the amended Notice of
Appeal out of time and Record of Appeal from the Ruling
of the High Court of Kenya at Kitale (Lady Justice R.
Nambuye) dated 30th August, 2000**

in

H.C.C.C. NO. 103 OF 2000)

R U L I N G

This is an application to amend a notice of appeal. It is a primary document and cannot be amended. There is a decision of the Court in Civil Application No. 328 of 1998 which held that a notice of appeal cannot be amended and is binding on me I therefore decline to grant the application to amend. Mrs. Arunga conceded that if amendment was refused the extension cannot be granted. Mr. Onditi agreed. In the result, the application is dismissed with costs.

Dated and delivered at Nairobi this 15th day of February, 2001.

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR