

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
(CORAM: KWACH, LAKHA & OWUOR, J.J.A.)
CIVIL APPEAL NO. 211 OF 1999
BETWEEN

KITALE MUNICIPAL COUNCIL APPELLANT
AND
COMPWARE LIMITED RESPONDENT

**(Appeal from the Judgment and Decree of the High Court of
Kenya at Kisumu (Justice Wambilyangah) dated 20th
March, 1998**

**in
H.C.C.C. NO. 178`B' OF 1996**

ORDER OF THE COURT

The appeal intends to challenge the decree dated 20/3/1998 was not filed until 16/7/1999 well out of the prescribed time. There is no valid extension. Nor does Rule 81 avail the appellant.

In these circumstances and, Mr. K'Opot for the respondent agreeing, this appeal is struck out as incompetent but with no order as to costs.

Made this 14th day of June, 2001

R. O. KWACH

.....
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.