



REPUBLIC OF KENYA
IN THE COURT OF APPEAL

AT NAKURU

CORAM: GICHERU, LAKHA & KEIWUA JJ.A

CIVIL APPLICATION NO. NAI.62 OF 2001

BETWEEN

GATEWAY INSURANCE CO. LIMITED APPLICANT

AND

JOSEPH KINYANJUI HARON RESPONDENT

An application to strike out Notice of Appeal against the Judgment & Decree of the High Court of Kenya
at
Kitale (Lady Justice Nambuye) dated 25th November,

1999
in
H.C.C. APPEAL NO. 87 OF 1997)

RULING OF THE COURT

This is an application under rule 80 of the Court of Appeal Rules. It seeks to have the Notice of Appeal filed in the superior court on March 6, 2000 struck out because the respondent has failed to file the appeal within the stipulated sixty days. It has been confirmed by both counsel that copies of proceedings have not been supplied to the respondent by the court to enable him mount an appeal. In those circumstances we are of the view that the application has no basis because the time within which to file the appeal in this Court has not run. Accordingly we dismiss the application with costs.

Dated and delivered at Nakuru this 26th day of September, 2001.

J.E. GICHERU

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

M. OLE KEIWUA

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR