



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, BOSIRE & OWUOR JJ.A)
CIVIL APPEAL NO.112 OF 1999

BETWEEN
GUILDERS INTERNATIONAL BANK LTD APPELLANT
AND
CHIMANLAL HILJI SHAH & 19 OTHERS
CARNATION APARTMENTS LIMITEDRESPONDENTS
(Appeal from the ruling of the high Court of Kenya at
Nairobi by (Justice M. Ole Keiwua) dated 5th
February, 1999
in
H.C.C.C. No.343 of 1998)

RULING OF THE COURT

The decision appealed against was given on 5th February, 1999. The appellant filed a notice of appeal declaring its intention to appeal against it on 17th February, 1999.

However, the record of appeal was not lodged in court until 4th June 1999; well out of the 60 days permitted for doing so and without leave. Consequently the appeal is incompetent. Mr Omolo for the appellant concedes this fact, with the result that the appeal is ordered struck out with costs both of the application dated 17th September, 1999 and the appeal.

Dated and delivered at Nairobi this 9th day of February, 2000

R.O. KWACH

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

M. KEIWUA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR