



REPUBLIC OF KENYA
COURT OF APPEAL AT NAIROBI
CIVIL MISC APPL 323 OF 99

BETWEEN

DAVID SOPON OLE LOROMA 1ST APPLICANT

MAANTA OLE PUTAPUTA 2ND APPLICANT

MAANTA OLE LEPASO 3RD APPLICANT

DANIEL MONKOTI SABAYA 4TH APPLICANT

NGINA KIPOOPO 5TH APPLICANT

TAPORU MASAINI 6TH APPLICANT

RAITA LENCHOKI 7TH APPLICANT

BARTIMARU also known as

ILPARTIMARU GROUP RANCH 8TH APPLICANT

AND

LEMONO OLE NTENKESE 1ST RESPONDENT

TUPET OLE MURRE ALIAS OLKAUET 2ND RESPONDENT

SAMUEL OLE PARASHURU 3RD RESPONDENT

RULING OF THE COURT

One of the preliminary objections raised by the advocate for the respondent is that the notice of appeal is defective in that it refers to the date of the decision having been given on 22 October 1999. The ruling itself gives the date of the delivery as 21 October 1999 and, in our judgment, this prevails. Accordingly, the notice of appeal filed on 5 November, 1999 was out of time and renders the intended appeal incompetent.

In the circumstances, we are construed to strike out the application filed by the applicants for an injunction under rule 5(2)(b) of the Rules of this Court with costs.

Dated and delivered at Nairobi this 13th day of March, 2000.

A.M. AKIWUMI

JUDGE OF APPEAL

A.A. LAKHA

JUDGE OF APPEAL

E. OWUOR

JUDGE OF APPEAL