

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: BOSIRE J.A (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 256 of 1999

BETWEEN
HUGH FRANCIS EDWARDSAPPLICANT
AND
KENYA BUS SERVICES..... ISTRESPONDENT
ANTONY MUIA SAMUEL 2NDRESPONDENT

(An application for extension of time to file appeal in
an intended appeal from a judgment of the High Court
of Kenya at Nairobi (Justice Anganyanya) dated 18th
June 1998

in
H.C.C.C. No. 1006 of 1994

RULING

This is an application for extension of time within which to file and serve a memorandum and record of appeal. The application which is made under rule 4 of the Court of Appeal Rules, is brought by Hugh Francis Edwards, who was the Plaintiff in Nairobi High Court Civil Case No. 1006 of 1994, in which Aganyanya J. awarded him general damages of Kshs.670,000 less 15% contributory negligence and Kshs.100/= special damages, but declined to award the bulk of the special damages on the ground that they were not specifically pleaded.

Counsel for the applicant, Mr Ombati, has submitted before me that the said special damages were improperly disallowed as the applicant had furnished the particulars of special damages to the respondents, Kenya Bus Services Ltd, and Anthony Muia Samuel and the two did not challenge the claim at the trial.

In view of that, he submitted, the applicant has an arguable appeal which he wishes to pursue if granted the extension.

Miss Nyabuto, for both the Respondents, does not oppose the application, and there being no special reason for declining to exercise my unfettered discretion under the aforesaid rule, I extend the time for filing and serving the memorandum and record of appeal by 30 days from the date hereof. I make no order as to the costs of the application.

Dated and delivered this 27th day of June, 2000.

S.E.O. BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR