

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI

civil misc appl 380 of 96

HARISH MOHAN DEVANI APPLICANT

AND

**THE PROJECT & EQUIPMENT CORPORATION OF INDIA LIMITED
RESPONDENT**

R U L I N G

Mr. Gautama, counsel for the applicant, concedes that he did not seek nor was he granted leave by this Court to file his amended Notice of motion filed herein on 8th May, 1997 which he now wants to urge. He has further conceded that under rule 44(1) of the Rules of this Court, leave is mandatory. I agree with Mr. Nagpal, counsel for the respondent, that the amended Notice of motion is not properly before me. I hereby dismiss the application with costs to the respondent and delivered at Nairobi this 14th day of July, 2000.

E. OWUOR

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR