

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
CORAM: GICHERU, J.A. (IN CHAMBERS)
CIVIL APPLICATION NO. NAI. 116 OF 2000

BETWEEN

ISAAC N. ONDIEKI APPLICANT
AND
THE MINISTRY OF INFORMATION & BROADCASTING
PUBLIC SERVICE COMMISSIONRESPONDENTS

**(An application for leave to file Appeal as a pauper
in an intended Appeal from Judgment of the High Court
of Kenya at Nairobi (Mr. Justice Githinji) dated 8th
February, 2000**

in
H.C.C.C. NO. 1079 OF 2000)

R U L I N G

The applicant=s application in the superior court to file suit in that court as a pauper was rejected for the reason that the intended suit was barred by limitation. He has now applied to this Court to be allowed to file appeal as a pauper against the decision of the superior court.

It would appear that the cause of action in respect of which the applicant intends to file suit against the respondents arose on 2nd June, 1993 - over 7 years ago. Such suit is hopelessly out of time and in the present circumstances of the matter, it would be an exercise in futility to grant the applicant the relief he seeks from this Court in the present application as the same is lacking in merit. The same is therefore dismissed but with no order as to costs.

Dated and delivered at Nairobi this 7th day of July, 2000.

J. E. GICHERU

JUDGE OF APPEAL

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

DEPUTY REGISTRAR