

IN THE COURT OF APPEAL
AT NAKURU
(CORAM: LAKHA, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 58 OF 2000
BETWEEN

DR. MADDINENI SUBBA RAOAPPLICANT
AND

1. S. A. AZUBEDI
2. J. G. KAGUCIA
3. JACKTON MARACHI
4. G. N. OMBONGIRESPONDENTS

(Application to amend the record of appeal in an Appeal
from the Ruling and Order of the High Court of Kenya
at Nakuru (Commissioner of Assize Mrs. Rawal) dated
17th August, 1999

in
H.C.C.C. NO. 383 OF 1998)

R U L I N G

This is an application for amendment of the record of appeal under rule 44 of the Rules of this Court. The amendment is to amend the title to the suit, the Certificate and Index all of which refer in their heading to the superior court instead of this Court. The application is opposed by the respondents. It is said that an index is a primary document although no authority is cited in support of the proposition.

Upon a careful consideration of the matter I am satisfied that an index is not a primary document. It does not relate to jurisdiction substance of the appeal. The respondents were not shown to be prejudiced by the proposed amendment. If anything, it is in the interest of just that it shall be allowed I hereby do. Costs of the application shall be borne by the applicant.

Dated and delivered at Nakuru 26th day of September, 2000.

A.

A.

LAKHA

.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR.

