



IN THE COURT OF APPEAL FOR EAST AFRICA

AT NAIROBI

(Coram: Wambuzi P, Mustafa & Musoke JJ A)

PARBAT KESHNRWAL.....APPELLANT

VERSUS

ABDUL ISMAIL NURANI.....RESPONDENT

JUDGMENT

The memorandum of appeal was filed without any authorized person signing it. In the circumstances, as admitted by Mr Amata for the appellant, no appeal is before this Court. Mr Carruthers' objection, therefore, that the appeal is incompetent is valid. Mr Amata agrees. He has, however, applied to this Court under rule 4 of the Rules of this Court for extension of time to file a proper appeal. He states that he sent his clerk down from Eldoret to file the appeal in Nairobi and, at the time of filing, his clerk discovered that the memorandum was not signed. The clerk thereupon signed it and he informed Mr Amata of this when he returned to Eldoret.

Mr Amata therefore knew of this in May 1975, but took no action to correct this basic error. He has admitted that he did not realise the implications of a non-signature of the memorandum of appeal. In our view it is very clear that an unsigned appeal is no appeal and Mr Amata's ignorance of this point cannot be a sufficient ground for extension of time. We therefore strike out the appeal as incompetent. Costs to the respondent.

Appeal struck out.

Dated at Nairobi this 19th Day of January 1976

S.W.W. WAMBUZI

.....

PRESIDENT

A.MUSTAFA

.....

JUDGE OF APPEAL

J.S. MUSOKE

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JUDGE OF APPEAL



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