



Case Number:	Parbat Keshnrwal v Abdul Ismail Nurani
Date Delivered:	19 Jan 1976
Case Class:	Civil
Court:	Court of Appeal at Nairobi
Case Action:	Judgment
Judge:	Abdulla Mustafa, Justin Saulo Musoke, Samuel William Wako Wambuzi
Citation:	Parbat Keshnrwal v Abdul Ismail Nurani [1976] eKLR
Advocates:	-
Case Summary:	<p style="text-align: center;">Parbat Keshnrwal v Abdul Ismail Nurani</p> <p style="text-align: center;">Court of Appeal for East Africa, Nairobi 19th January 1976</p> <p style="text-align: center;">Wambuzi P, Mustafa & Musoke JJ A</p> <p><i>Time – extension of time limit – grounds for extension – document not complying with formal requirement – memorandum of appeal to Court of Appeal for East Africa not duly signed – advocate not realizing implication of non-compliance.</i></p> <p>The failure on the part of an advocate before the Court of Appeal for East Africa to realise that non-compliance with the requirements of the rules of court as to signature of memorandum of appeal nullified the document is no ground for allowing an application to extend the time for filing a valid memorandum.</p> <p>No cases were cited in the judgment.</p> <p>Interlocutory appeal:</p> <p>The appellant, Parbat N Keshanrwal, on an appeal</p>

	<p>from a decision of Nyarangi J in the High Court at Eldoret dated 15th March 1975 (Civil Case No 96 of 1973) in favour of the respondent to the appeal, Abdul Ismail Nurani, applied to the Court of Appeal for East Africa for leave to file a memorandum of appeal out of time. The facts are set out in the judgment of the court.</p> <p><i>FO Amata</i> (instructed by Amata & Co) for the Appellant.</p> <p><i>GH Carruthers</i> (instructed by Shaw & Carruthers) for the Respondent.</p>
Court Division:	Civil
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Appeal struck out.
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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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

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PRESIDENT

A.MUSTAFA

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JUDGE OF APPEAL

J.S. MUSOKE

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JUDGE OF APPEAL



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