



Case Number:	civ app 228 of 99
Date Delivered:	01 Dec 1999
Case Class:	Civil
Court:	Court of Appeal at Nairobi
Case Action:	-
Judge:	Riaga Samuel Cornelius Omolo, Philip Kiptoo Tunoi, Effie Owuor
Citation:	JACARANDA HOTEL LIMITED vs WILDLIFE LODGES LIMITED[1999] eKLR
Advocates:	-
Case Summary:	-
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

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**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**(CORAM: OMOLO, TUNOI & OWUOR, JJ.A.)**  
**CIVIL APPEAL NO. 228 OF 1999**  
**BETWEEN**

**JACARANDA HOTEL LIMITED ..... APPELLANT**  
**AND**  
**WILDLIFE LODGES LIMITED ..... RESPONDENT**

**(Appeal from the Ruling and Decree of the High Court of Kenya at Nairobi (Oguk, J.) dated 28th October, 1999 in**

**H.C.C.C. NO. 839 OF 1999)**

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**ORDER OF THE COURT**

The counsel for the appellant in C.A. NO. 228/99 has brought to our attention the fact that the Notice of Appeal is wrongly dated. He admits that, it being a primary document, it is not capable of being amended; and, consequently it being invalid, the appeal is incompetent. We agree. The appeal therefore is fatally defective and is ordered struck out. We make no order as to costs.

It follows therefore that the order for consolidation made earlier on cannot stand and is vacated. C.A. No. 242/99 shall be heard separately.

**Made at Nairobi this 1st day of December, 1999.**

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**P. K. TUNOI**

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**JUDGE OF APPEAL**

**E. OWUOR**

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**JUDGE OF APPEAL**

