**LZ Engineering Construction Ltd v Trade Bank Ltd**

**Division:** Court of Appeal of Kenya at Nairobi

**Date of Ruling:** 17 October 2000

**Case Number:** 196/00

**Before:** Chunga CJ, Tunoi and Shah JJA

**Sourced by:** LawAfrica

**Summarised by:** C Kanjama

*[1] Appeal – Court of Appeal – Contents of the record of appeal – Whether signed copy of judgment or*

*typed copy of rulings required – Rule 85 – Court of Appeal Rules.*

**Editor’s Summary**

The Applicant, LZ Engineering Construction Limited (“L”), applied to have Trade Bank Limited’s notice of appeal struck out on the ground that the time to lodge a record of appeal had expired. Trade Bank Limited (“T”) on lodging the notice of appeal, had written a letter to the registrar requesting certified copies of proceedings and ruling. L obtained a typed but uncertified copy of the proceedings and served the same on T’s advocates. T’s advocates however continued to await a certified copy of the proceedings. L filed the instant application arguing that the time to file the record of appeal had expired after T had obtained the typed proceedings but failed to act on them.

**Held** – The Appellant was wrong in asking for a certified copy of proceedings. A typed copy is sufficient. Hence the time taken to acquire a certified copy of the proceedings would not be included in the reckoning of time to lodge the notice of appeal. This time had already expired. *Mawli v Lalji and others* [1992] LLR 2778 (CAK), *Republic v The Minister of Transport and Communications and another* [1996] LLR 487 (CAK), *Mau West Ltd v Kenya Co-operative Creameries Ltd* [1998] LLR 822 (CAK), *Kamau and another v Muichigi* [1999] LLR 1006 (CAK) followed; *Equatorial Commercial Bank Ltd and another v Ibis Aviation Ltd* [2000] LLR 1201(CAK) distinguished.

The notice of appeal was struck out.

**Cases referred to in ruling:**

(“**A**” means adopted; “**AL**” means allowed; “**AP**” means applied; “**APP**” means approved; “**C**” means

considered; “**D**” means distinguished; “**DA**” means disapproved; “**DT**” means doubted; “**E**” means

explained; “**F**” means followed; “**O**” means overruled)

*Equatorial Commercial Bank Ltd and another v Ibis Aviation Ltd* [2000] LLR 1201 (CAK) – **D**

*Kamau and another v Muichigi* [1999] LLR 1006 (CAK) – **F**

*Mau West Ltd v Kenya Co-operative Creameries Ltd* [1998] LLR 822 (CAK) – **F**

*Mawli v Lalji and others* [1992] LLR 2778 (CAK) – **F**

*Republic v The Minister of Transport and Communications and another* [1996] LLR 487 (CAK) – **F**