**Malde and another v Gichugu**

**Division:** Court of Appeal at Nairobi

**Date of judgment:** 4 December 1974

**Case Number:** 20/1974 (1/75)

**Before:** Spry Ag P, Law Ag V-P and Musoke JA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Kenya – Muli, J

*[1] Evidence – Document – Receipt signed on list – Proved by signatory of receipt – Document proved.*

**Editor’s Summary**

The appellants sued the respondent for the value of goods alleged to have been delivered to the respondent for carriage. They produced lists which had been signed by the respondent’s driver to acknowledge receipt.

The judge rejected the lists on the ground that their maker had not been called.

**Held –**

(i) the lists had been produced as being receipts and the respondent’s driver had acknowledged that he

signed them;

( ii) the receipt of the goods was proved.

Appeal allowed.

**No cases referred to in judgment**