**Salasia v Muchira and others**

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

**Date of judgment:** 10 June 2005

**Case Number:** 188/04

**Before:** Omolo, Waki and Deverell JJA

**Sourced by:** Lawafrica

*[1] Appeal – Striking out notice of appeal and appeal itself – Application to be made within 30 days of service.*

**Editor’s Summary**

The intended respondent in the main appeal applied for an order that the notice of appeal filed by the intended appellants be struck out. On the face of it, the notice of appeal had been served four (4) days outside the period allowed under rule 76(1) of the Court of Appeal Rules. The application to strike out the notice of appeal was, however, filed about one year and eight months after the offending notice of appeal was served.

**Held** – If a person affected by an appeal shows to seek to strike out the notice of appeal or the appeal or either of them, such person is at liberty to do so but only within 30 days of service (*sic*). Application dismissed.

**No cases referred to in judgment**