



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CIVIL APPEAL NO. E007 OF 2021**

**CORAM: HON. R.E. ABURILI J**

**DANEVA HEAVY TRUCKS.....1<sup>ST</sup> APPELLANT**

**RASHID K. MUGONZA.....2<sup>ND</sup> APPELLANT**

**VERSUS**

**CHRISPINE OTIENO.....RESPONDENT**

***(An Appeal arising from Judgment and Order in Ukwala PM's Court Civil Suit No. 28 of 2019***

***delivered on 10.03.2021 by Hon. C.N. Sindani, Principal Magistrate)***

**RULING**

1. The applicants Daneva Heavy Trucks and Rashid K.Mugonza seek leave of court to file an appeal out of time from the judgment and decree in Ukwala PMCC 28/2019 delivered on 10/3/2021.
2. The delay in filing the intended appeal has been explained that the advocates received instructions from the clients late.
3. That is no good reason for the delay as the case does not belong to the advocate. However as the delay is not too inordinate and justice can still be served despite the delay of a few days, and as the application is not opposed by the Respondents, I hereby allow the application dated 14/4/2021 and grant the prayers sought, extending time for filing of an appeal out of time by ten days from the date hereof.
4. The Respondent shall have costs of this application assessed at Kshs. 6,000/= to be paid within the next 14 days of today in default he is at liberty to execute for recovery. This file is closed.
5. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 30TH DAY OF JUNE 2021**

**R.E. ABURILI**

**JUDGE**