

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISCELLANEOUS CIVIL CASE NO. E025 OF 2021

CORAM: R.E. ABURILI, J

ARTHUR OOKO OLUOCH.....APPLICANT

VERSUS

ZAKAYO OBALA AKA ABALA OMBIRO.....RESPONDENT

RULING

1. The application dated 7/10/2021 by the applicant Arthur Ooko Oluoch seeks for leave of this court to file an appeal out of time from the judgment and decree of Hon. C.I. Agutu, SRM, Ukwala Law Courts arising from Succession Cause No 232 of 2018 delivered on 25th May 2021.

2. The said application was served on the Respondent's Counsel Ms Mercy Lamwenya holding brief for Mr. Onyango who appeared this morning and before Mr. Ooro advocate for the applicant arrived in court, submitted that the respondent had no objection to the application being granted as prayed. Therefore, on no objection on the part of the Respondent's counsel, the application dated 7/10/2021 is hereby allowed.

3. The Applicant is hereby granted leave to appeal out of time against the whole judgment of Hon. C.I. Agutu, SRM, Ukwala Law Courts delivered on 25/5/2021.

4. The intended appeal to be filed and served within 15 days of this order.

5. Each party to bear their own costs of the application.

6. As the applicant's counsel is absent, the court to notify him of the orders herein for compliance.

7. File closed.

8. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 15TH DAY OF DECEMBER, 2021

R.E. ABURILI

JUDGE