



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISCELLEANOUS CIVIL APPLICATION NO. 4 OF 2020**

**RICHARD ODUOR ABURA.....APPLICANT**

**VERSUS**

**MAREEN OKOTH.....1<sup>ST</sup> RESPONDENT**

**INTERNATIONAL CENTRE FOR AIDS CARE & TRATMENT PROGRAMME....2<sup>ND</sup> RESPONDENT**

**RULING**

1. I have considered the application dated 9.3.2020 for leave to appeal out of time and the grounds and supporting affidavit sworn by Calistus Nyegenye Advocate for the applicant.
2. The said application is not opposed despite service of the same upon the Respondent's Counsel as per the affidavits of service on record.
3. I observe that albeit there is delay, the delay is explained to the satisfaction of this Court as the applicant applied for copies of proceedings and judgment which were supplied nearly six months after the judgment sought to be impugned was delivered.
4. For the above reasons, I find the application merited. The same is hereby allowed.
5. The applicant is granted leave of Court to file and serve a Memorandum of Appeal upon the Respondent's Counsel within ten (10) days from the date hereof annexing copy of this ruling and Order. I make no orders as to costs.
6. This file is closed.
4. Orders accordingly.

**Dated, Signed and Delivered at Siaya this 21<sup>st</sup> day of September, 2020**

**R.E. ABURILI**

**JUDGE**