



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE-J)

CIVIL APPEAL NO. 39 OF 2019

BETWEEN

MAUREEN AGUTU.....APPLICANT/APPELLANT

VERSUS

PAUL MBOYA.....RESPONDENT

DIRECTIONS

1. By a notice of motion dated 27th March, 2019 brought under Sections 3A, 79G and 95 of the Civil Procedure Act Cap 21 Laws of Kenya and Article 159 of the Constitution, the applicant prays for orders that

1) The Honourable Court be pleased to extend limited for lodging of an appeal

2) That the costs of this application be provided for

2. The application is based on the grounds among others that the delay in filing the appeal was purely inadvertent and is excusable.

3. The application is supported by the affidavit sworn by the Applicant on 27th March, 2019 in which she reiterates the grounds on the face of the application. The deponent avers that delay was occasioned by failure on the part of the court to supply certified copies of the proceedings and the judgment.

4. The respondent did not file any response. Upon being served with a hearing notice dated 10th April, 2019, The firm of N.E. Mogusu & Associates disputed that it was appearing for the Respondent.

5. A perusal of the file shows that Mr. Nyamweya who purported to appear for the Respondent had not filed a notice of appointment. The file does not contain evidence of service of the application on the Respondent.

6. Consequently, I direct that the notice of motion dated 27th March, 2019 be served on the Respondent for hearing on merit.

DATED, DELIVERED AND SIGNED THIS 31ST.DAY OF JULY 2019

T. W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix & Okodoi

For the Applicant - N/A

For the respondent - N/A