



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISC NO. 210 OF 2014**

**JOHN MWAURA NJUGUNA .....APPLICANT**

**VERSUS**

**ASP COMPANY LIMITED .....RESPONDENT**

**RULING**

The application before me is a Notice of Motion dated 19<sup>th</sup> February, 2014. It seeks leave to file memorandum of appeal out of time. Reasons are on the face of the application alongside an affidavit sworn by the applicant. The application is opposed and grounds of opposition have been filed. I have considered the provisions of law that have been cited. The court is called upon to exercise its discretion.

The reasons advanced for the delay are honest and plausible. No serious prejudice has been shown on the part of the respondent, and whether or not the appeal has any merit is not within my province in an application of this nature. I am persuaded that this application should be allowed.

Accordingly the leave sought is granted, the memorandum of appeal shall be filed within 14 days from today and the costs shall be on appeal.

***Dated, signed and delivered at Nairobi this 27<sup>th</sup> Day of July, 2017***

**A. MBOGHOLI MSAGHA**

**JUDGE**