

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

MISC CIVIL APPLICATION NO 76 OF 2014

KASA ROSA LIMITED.....APPLICANT

VERSUS

PETER L MORINYO.....RESPONDENT

R U L I N G

1. This is an application (**chamber summons dated 23rd September 2014**) for leave of the court to file appeal out of time against the decree of the lower court passed on 21/08/2014 in **Kandara PMCC No 89 of 2014**. The application is not opposed in that no papers were filed in response, and the Respondent did not attend the hearing thereof, despite service.

2. When addressing the court at the hearing of the application, learned counsel for the Applicant, Miss Igecha, stated that she now realized that the application would not have been necessary had she excluded the period, duly certified by the lower court, required for preparation and delivery of the typed proceedings and judgment (as provided for in **section 79G of the Civil Procedure Act, Cap 21**), and that she should just have filed memorandum of appeal instead of the present application. As it is now, delay has been occasioned by this application! Miss Igecha asked that her misapprehension of the law be excused.

3. As already noted, the application is not opposed. I will allow it in the interests of justice. The Applicant shall file its memorandum of appeal within ten (10) days of today. It is so ordered. There will be no order as to costs of this application.

DATED AND SIGNED AT MURANG'A THIS 12TH DAY OF MAY 2016

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 13TH DAY OF MAY 2016