



**REPUBLIC OF KENYA**

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

**MISC. APPLICATION NO: 16 OF 2013**

**R M M .....APPLICANT**

**VERSUS**

**F M G.....RESPONDENT**

**RULING**

1. The application dated 12<sup>th</sup> March 2013 seeks leave to file appeal out of time and the memorandum of appeal on record to be deemed as duly filed.
2. The grounds upon the orders are sought are set out on the face of the application and in the affidavit in support sworn by the applicant, R M M, on 12<sup>th</sup> March 2013.
3. The judgment sought to be appealed against was delivered on 29<sup>th</sup> September 2012. The applicant applied for certified copies of the proceedings by a letter dated 5<sup>th</sup> October 2012 which was lodged in court on 12<sup>th</sup> October 2012. The proceedings were availed to the applicant on 13<sup>th</sup> February 2013. There is a certificate of delay dated 27<sup>th</sup> February 2013. The application before me then followed on 12<sup>th</sup> March 2013.
4. The applicant in my view moved expeditiously following the delivery of the judgment to obtain the proceedings. There was delay in the availing of the same, not attributable to the applicant. The application before me was equally lodged in court with dispatch after copies of the certified proceedings were availed.
5. I am satisfied that the application dated 12<sup>th</sup> March 2013 is merited. I do hereby grant the same in its entirety.

**DATED, SIGNED and DELIVERED at NAIROBI this 30<sup>th</sup> DAY OF January 2015.**

**W. MUSYOKA**

**JUDGE**