

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NUMBER 461 OF 2013

PAN AFRICAN PAPER MILLS (EAST AFRICA) LTD.

(RECEIVERSHIP) APPLICANT/APPELLANT

VERSUS

PRESSMASTER LIMITED.RESPONDENT

R U L I N G

This is an application by the Appellant seeking enlargement of time to file an appeal and is dated the 28th August, 2013.

The facts on record show that the applicant filed the appeal two days outside the prescribed time. It explains the cause of delay as failure to receive typed certified copy of proceedings and judgment applied for immediately the judgment was delivered. The applicant also explains how it had to apply for the original handwritten proceedings due to the failure to receive the typed ones from court. The application is opposed.

I have carefully considered the grounds upon which the application is based. I am satisfied that the grounds are sound and sufficient for the granting of this application. The delay was minimal (2 days) and is not inordinate. The application shows diligence in the pursuit of the leave to enlarge time to appeal. The opposing grounds on the other hand, show little substance.

In the result, the application to enlarge time is hereby granted. The filed memorandum of appeal is hereby declared as timeous and the appeal number is hereby confirmed. The applicant is hereby allowed to proceed to file and serve a Record of Appeal and fix the appeal for directions without further delay. Orders accordingly, with costs in the cause.

Dated and delivered at Nairobi this 16th day of September, 2014

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D A ONYANCHA

JUDGE