



Editorial Summary

1. *Civil Appeal*
2. *Subject of Tribunal case*

CO-OPERATIVE TRIBUNA

- 2.1 *Co-operative society*
 - 2.2 *Applicant surcharged in 2001.*
 - 2.3 *Hearing at Tribunal*
 - 2.4 *Preliminary objection raised.*
 - 2.5 *Tribunal case struck out.*
3. *Appeal against order of Tribunal Dismissing the tribunal case.*

Application 8th November 2011 opposed.

4. *Held:*

*Leave be granted to appeal to
High Court.*

5. *Case Law:*

6. *Advocates :*

- i) *Julius Mwangi Muriithi applicant in person*
- ii) *I. Otieno instructed by for M/s Munene Wambugu & Co Advocates for
respondent*

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

MISC APPLICATION 478 OF 2011

JULIUS MWANGI MURIITHI APPLICANT

VERSUS

**KIBIRIGWI FARMERS CO-OP SOCIETY LTD.....
RESPONDENT**

RULING

Application to file out of time

I. BACKGROUND

1. The applicant herein filed a reference before the Co-op Tribunal against a surcharge made on 28th November 2001.
2. An application dated 22nd June 2011, the defence was struck out and judgment entered in favour of the respondent.
3. The applicant prays for leave to appeal against the decision. This delay was due to lack of “know how.”

II APPLICATION TO FILE APPEAL OUT OF TIME

4. Leave be and is hereby given to the applicant to file appeal out of time with 60 days. This is to ensure access to justice and hearing to the litigation in this High Court.
5. Costs in the appeal.

DATED THIS 27TH DAY OF FEBRUARY 2012 AT NAIROBI

M.A. ANG’AWA
JUDGE

Advocates :

iii) *Julius Mwangi Muriithi applicant in person*

iv) *I. Otieno instructed by for M/s Munene Wambugu & Co Advocates for respondent*