



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT EMBU**

**Miscellaneous 74 of 2009**

**PETER GEORGE WAITHAKA.....APPLICANT**

**VERSUS**

**FREDRICK GATERI MACHANGA.....RESPONDENT**

**RULING**

I have heard the application for extension of time dated 28/7/2009. I have considered the grounds thereon and the supporting affidavit dated 28/7/2009 and all the annexures thereto along with the grounds of opposition dated 15/1/2010. Both counsel expounded on the documents in support of their stand. It is conceded that the applicant applied for the court proceedings on 17/3/2009 only 6 days after delivery of the Judgment in question. “PG W7” shows that the proceedings were supplied on 16/7/2009.

This application was filed on 28/7/2009. The delay in filing the application was only about 11 or 12 days. The delay cannot in my view be said to be inordinate given the fact that counsel still needed time to prepare the draft memo of Appeal and the other annexures. I have perused the Memorandum of Appeal. The intended appeal is not frivolous. The respondent has not demonstrated that he will be prejudiced in any way if the application is allowed.

I therefore allow the application and grant the leave sought with no order as to costs. The appeal be filed within 14 days from the date hereof.

**W. KARANJA  
JUDGE**

Delivered, dated and signed at Embu this 11th day of May 2010.

In presence of:-  
Mr. Magee for Applicant.  
Mr. Kariithi for Kahiga for Respondent.