



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**Miscellaneous Application 47 of 2006**

**TABITHA NJOKI KAGANO.....APPLICANT**

**VERSUS**

**JACOB KINYUA KAGANO.....RESPONDENT**

**RULING**

The application is for leave to file an appeal out of time dated 10/5/2006. The applicant contends that she was supplied with the proceedings late. I note that she has annexed a certificate of delay to her affidavit in support of the said application which shows that she applied for the proceedings and a certified copy of the court's Judgment on 10/1/2006. The same were supplied on 6/4/2006 and she filed the application on 10/5/2006. I would not therefore say that there was inordinate delay on the part of the applicant in this matter.

I have looked at the grounds of opposition filed against the application by Gitonga D.N & Co Advocates. The same are not signed. It is trite law that all court pleadings must be signed. The said grounds call for striking out and are therefore struck out. This would leave the application un-opposed as whatever Mr. Mugambi for the respondent said in court would have no legs to stand on.

In the circumstances, I allow the application dated 10/5/2006 and grant the applicant leave to file the said appeal. The same must be filed within 14 days of the delivery of this ruling.

**W. KARANJA**

**JUDGE**

Delivered, dated and signed at Embu this 29<sup>th</sup> day of June 2009

**In presence of:-Mr Githinji for Mugambi for 2<sup>nd</sup> Respondent**

**Applicant present in person.**

**W. KARANJA**

**JUDGE**