



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

Misc Appli 95 of 2007

ANTHONY IRERI MIKINYANGO.....APPLICANT

VERSUS

NJERU KIVUI.....RESPONDENT

RULING

Orders made under Order 44 Rule 3 are appealable as right. The applicant wishes to appeal against the dismissal of an application for review. The order is dated 31/10/2006 in SPM CC 139 of 1999. Application for proceedings and ruling was made on 6/11/2006 and were signed on 18/12/2006. There is no certificate of delay but the record is dated. This application was filed on 28/8/2007. There is delay between 18/12/2006 to 28/8/2007. There is no satisfactory explanation given for the delay.

In the circumstances the delay is inordinate. The application is dismissed with costs.

Dated this 28th January, 2008.

J. N. KHAMINWA

JUDGE

28/1/2008

Khaminwa – Judge

Njue – Clerk

Mr. Okwaro

Mr. Kathungu

Read in open court

J. N. KHAMINWA

JUDGE

