



**NDUTA JUMA .....APPLICANT**

**VERSUS**

**EUNICE WAMIRU KIURA.....RESPONDENT**

**RULING**

Notice of Motion dated 15/8/2006 seeks extension of time to file appeal against Judgment delivered on 16/2/2006 in **RMCC No. 43 of 1994 at Wanguru Court.** The supporting affidavit indicate that the applicant is involved in Appeal No. 12/2006 in the High Court here which appeal is filed by the Respondent. Also that the failure to file appeal within time is because of illness and lack of funds to pay court fees. On the other hand the Respondent who says she is 2<sup>nd</sup> wife of deceased brother of applicant opposes application but confirms that she has filed an appeal against the same Judgment.

I have considered the submissions of counsel and the authorities relied upon by Mr. Mugo for Applicant. It is clear no prejudice will be suffered by the Respondent also the delay occasioned is satisfactorily explained. I allow the application and grant orders sought. Costs in the appeal.

Dated this 28<sup>th</sup> January, 2008.

**J. N. KHAMINWA**

**JUDGE**

Mr. Kahiga:- The filing of counter appeal to be limited in time.

Mr. Githinji:- Let them be given 21 days.

Order: The proposed appeal shall be filed within the next 21 days.

**J. N. KHAMINWA**

**JUDGE**

**28/1/2008**

**Khaminwa – Judge**

**Njue – Clerk**

**Mr. Nthiga – present**

**Mr. Githinji – present**

Read in open court.

**J. N. KHAMINWA**

**JUDGE**