

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KISII

CIVIL MISC. APPL. NO.4 OF 2005

REPUBLIC APPLICANT

VERSUS

RICHARD GORDON NDUBI RESPONDENT

RULING

The state (applicant) seeks for enlargement of time to file appeal.
Judgment was delivered on 18th January 2005 and 14 days elapsed on 31st January 2005.

Appeal had not been filed by then. It was submitted that they applied for proceedings and that is why they were late. This application was filed on 7th February 2005 7 days after time elapsed.

Application was opposed by Mr. Mongare for Respondent who stated that the delay in filing the appeal was not explained. He further said the intended appeal has no chances of success.

I have considered the application and reply. I find it is reasonable.

It was filed 7 days after time elapsed. There was no inordinate delay. Counsel explained that they were waiting for proceedings and that is why they did not file the appeal in time.

I am satisfied with the explanation. Application is allowed. Appeal be filed within 14 days from today's date.

Dated this 19th day of April 2005
KABURU BAUNI
JUDGE