

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
Misc Cause 42 of 2005

GLADWELL N. WAMBIRI APPLICANT
VERSUS
KENTEST EXPORTERS LIMITED RESPONDENT

RULING

This is an application to enlarge the time for filing appeal. Judgment was delivered orally in Court on 20th January, 2004, and the Applicant applied for certified copies of the proceedings and Judgment on 22nd January, 2004. These were made available to the Applicant on 7th December, 2004, according to the Certificate of Delay filed herein with the Supplementary Affidavit sworn by Mr Ngugi Muhindi, Advocate of the Applicant.

Although certified copies of proceedings are not required to file the memorandum of appeal, here the Judgment was delivered orally in Court, and the Applicant was unable to prepare the memorandum without a typed copy of the Judgment. This court is prepared to accept that reason as a good and sufficient cause why this appeal was not filed in time in accordance with Section 79 G of the Civil Procedure Act.

Accordingly, this application is allowed. The Appellant/Applicant will file and serve the memorandum of appeal within the next 14 days. Costs in cause.

Dated and delivered at Nairobi this 5th day of May, 2005.

ALNASHIR VISRAM
JUDGE