

REPULIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
Misc Civ Appli 348 of 2005

CHARLES J.O. OMWODOPLAINTIFF
VERSUS
AMINA SHAKIBDEFENDANT

R U L I N G

In this matter an application has been filed to extend time for filing an appeal out of time.

The judgement was made in the Children Court in case No. 142/03. Judgement in that case was delivered on 4/2/2005.

It is not shown why appeal was not filed in time or how long the delay has been. On the hearing of this application there is some evidence that the Respondent was served but she did not appear neither did she file any opposition.

However I have examined the record and I am not satisfied that there is good reason why appeal was not filed in time.

I have also perused the record and particularly the supporting affidavit para. 9 and I see the objections taken by the Applicant were made before the trial magistrate. I am not convinced that there is a strong appeal in the matter.

I therefore find no merit in this application and the same is dismissed with no order as to costs since the Respondent did not appear.

Delivered and dated at Mombasa this 24th day of June 2005.

J. KHAMINWA
J U D G E