

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KENYA
Misc Civ Appli 148 of 2003

1. LUCY WANJIRU MUCENDU)
2. VERONICA WANGUI KIRAGU)
3. BEATRICE KARIKO GATHOGO)
4. JANE WANGARI MIANO)
5. MARGARET WANGECI NJURAITA) APPLICANTS

VERSUS

1. PAULINE W. WANJOHI)
(Chairperson of Witeithie Mukaguyu Women Group)
2. MARY NJOKI MUTHII)
(Secretary of Witeithie Mukaguyu Women Group)
3. JANE WANGECI WARUI)
(Treasurer of Witeithie Mukaguyu Women Group) RESPONDENTS

R U L I N G

By a notice of motion dated 4th July 2003 filed on 4th August 2003, the applicants seek leave of this court to file their appeal out of time against the judgment and ruling in Kerugoya Civil Suit No. 95 of 2002 consolidated with No. 96 to 99 of 2002. Neither the application nor the affidavit in support state when the judgment or ruling subject of the intended appeal was delivered. However the attached Memorandum of appeal shows the judgment appealed against as dated 27th June 2003. The affidavit in support however shows that the proceedings and judgment were applied for on 20th November 2002 and were not ready for collection until the 28th day of July 2003. A certificate of delay has been annexed in support of those dates. I concur with the Respondent's advocate that this application is confused and ambiguous. The same is accordingly dismissed. Costs to the Respondent.

Dated 7th day of December 2005

H. M. OKWENGU
JUDGE