

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
MISC. CIVIL APPLICATION NO. 1484 OF 2003

ORESTER KAMAU IRUNGU.....APPLICANT
VERSUS
MARY WANGARI MWANGI RESPONDENT

RULING

1. The Applicant in this matter seeks extension of time to file an appeal out of time from the judgment of G. K. Mwaura, SRM Murang'a.

2. The delay is explained by the fact that the proceedings and judgment were only supplied on 13th November 2003. The certificate in delay confirms that fact.

3. I have heard no strong opposition to the Application save that the delay is said to be inordinate as proceedings and judgment are not prerequisites for filing an appeal and in any event the decretal sum has been paid.

4. I shall grant the Application as I see that the issue being raised on appeal is not frivolous and secondly whereas it is true that proceedings are not necessary at the first instance, they are necessary at the hearing of the matter and in any event, the conduct of the Applicant throughout the period subsequent to the judgment is one of a keen litigant. I have seen no deliberate or unexplained laches on its part.

5. Accordingly, the Application dated 27th November 2003 be and is hereby allowed.

Costs shall abide the appeal.

Dated and delivered at Nairobi this 12th day of February 2004

I. LENAOLA
Ag. JUDGE

12.2.2004

Before Lenaola Ag. J.

Amos CC

Ruling read in the absence of the parties.

I. LENAOLA
Ag. JUDGE