

REPUBLIC OF KENYA

**IN THE HIGH COURT OF KENYA AT KISII
MISC. CIVIL APPLICATION NO.99 OF 2003**

**RAIDOLENT ACHIENG ODHIAMBO PLAINTIFF
VERSUS
SOUTH NYANZA SUGAR CO. LTD. DEFENDANT**

RULING:

Applicant seeks time for filing of suit to be enlarged to enable her file suit out of time. She deponed that her father BOAZ ORONDO ORWA was involved in a road accident on 7/11/97 and died. Her mother Roseline Aoko obtained letters of administration with an intention of filing a suit on behalf of the estate. She however contracted cancer and died.

I have considered the application. The reasons given for delay are not good. Time expired in 1999 and this application was brought four years later. The deceased's widow died on 9/4/98 a year before time expired. It should not have taken 4 years to bring this application. The firm of Khan & Katiku advocates have not explained why they took that long to send their clerk to trace the deceased's widow. They have not even attached a draft plaint to the application.

I feel the delay was inordinate and there was no good excuse for the same.
Application is dismissed.

**KABURU BAUNI
JUDGE
15/6/04**