



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (MILIMANI LAW COURTS)**  
**CIVIL MISC APPL 750 OF 99**

**SAMUEL MWANGI MINYOTE ..... APPLICANT**

**VERSUS**

**MONICA WANJIKU KURIA ..... RESPONDENT**

**RULING**

Surely, if in my ruling of 16th September 1999, I placed blame on the previous applicant's counsel for not filing the appeal within the requisite time, though promptly instructions to appeal, I cannot recollect the reason why I thought of imposing a monetary condition for granting leave to file appeal out of time, more so such a huge sum by any standards, particularly when counsel for the applicant gave no such undertaking in that regard.

I cited a legal point involved in the intended appeal and in my view, this is a proper case where I should review my said order and instead grant an unconditional leave to file appeal out of time and that I give the appellant 7 days from today to formally file such appeal. I, however, order the applicant to pay costs of this application to the respondent, either agreed or taxed.

These shall be the orders of this court.

Delivered this 1st day of October 2002.

**D.K.S. AGANYANYA**

**JUDGE**