



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL APPEAL NO. 246 OF 2013

MICHAEL KUNGU KIGIA.....APPLICANT

VERSUS

MERU TEACHERS HOUSE LTD.....1ST RESPONDENT

JAPHET R. NKONGE/TA JAPHET R. NKONGE AUCTIONEERS.....2ND RESPONDENT

KIRIINYA C/O NKONGE AUCTIONEERS.....3RD RESPONDENT

GITONGA C/O NKONGE AUCTIONEERS.....4TH RESPONDENT

R U L I N G

This ruling relates specifically as to whether execution of this Court's order dated 8th August, 2013, was done after expiry of the period of 30 days given therein.

Section 57 of the Interpretation and General Provisions Act reads as follows;

“A period of days from the happening of an act or thing shall be deemed exclusive of the day on which the event happens or the act or thing is done.”

In the circumstances the execution of the order of 7th September, 2013 was done in conformity with the time given by this Court.

Moving forward, I direct as follows:

- 1. The application by the Appellant dated 9.9.2013 to be heard on 23.10.2013. Should the Judge, for any reason be absent, the application should be heard by this Court's Deputy Registrar.**
- 2. The appellant should pursue the admission of his appeal without further delay.**

Delivered in Meru this 9th day of October, 2013 in the presence :

Cc. Mwonjaru/Daniel

Ndubi h/b Gatari Ringera & 3, 4, respondents

Nyamu Nyaga for 1st Respondent

Michael Kungu Kigia – Appellant

P. M. NJOROGE

JUDGE