



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**CORAM: SHAH J.A. (IN CHAMBERS)**  
**CIVIL APPLICATION NO. NAI 313 OF 1997**  
**BETWEEN**

**1. SAMSON MWAKITINDI ISMAIL S. YUSUF**  
**2. I.S. YUSUF TRANSPORTERS.....APPLICANTS**  
**AND**

**1. ERIC ISAYI SHALINGA an infant suing by his respondents, next friend MARY SHAMTE**  
**2. ARVEY E. ROBINS and the UNITON NATIONAL BANK OF PITTSBURG (both suing as Co-executors of the Estates of Burton L. Rapport and Giesela L. Rapport**  
**3. ZABLON CHANGAWA**  
**4. ANGWARALI & BROTHERS.....RESPONDENTS**

**(An application for extension of time to file and serve a notice of appeal and record of appeal out of time in an intended appeal from a decree of the High Court of Kenya at Nairobi (Mr. Justice Sloss) dated 25/4/90 in**

**H.C.C.C. NOS 856/85 & 467 OF 1986)**

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**R U L I N G**

As this application is being opposed, and as the facts point to problems of obtaining documents from the registry of the superior court for inclusion in the record of appeal, I allow this application as prayed in the second prayer that is to say that the notice of appeal filed on 14th day of November, 1997 be deemed to be filed in time and that the record of appeal be lodged within 30 days of the date hereof. The first and second respondents do have costs of this application in any event.

**Dated and delivered at Nairobi this 23rd day of June, 1999.**

**A.B. SHAH**

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**JUDGE OF APPEAL**

**I certify that this is a true copy of the original.**

**DEPUTY REGISTRAR.**