

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, LAKHA & BOSIRE, JJ.A.)
CIVIL APPEAL NO. 152 OF 1999
BETWEEN

SAMUEL MUIRURI GICHINAAPPLICANT
AND
EVANSON KIMEMIARESPONDENT

(Application for extension of time to file a Notice of
appeal and record of appeal from the judgment of the
High Court of Kenya at Nakuru (Hon. Justice Nambuye)
dated 27th May, 1994

in
H.C.C.C No. 240 of 1990)

R U L I N G

The applicant, Samuel Muiruri Gichina by way of Notice of Motion brought under **rule 4** of the Rules of this Court seeks for extension of time to enable him to file a notice of appeal and record of appeal against the Judgment of the superior court (Nambuye J.) given on 27th of May, 1994 in Nakuru H.C.C.C No. 240 of 1990.

A previous appeal **C.A No. 28 of 1998** was struck out by this Court on 28th of June, 1998 on the ground that the Notice of appeal therein had not been served upon the respondent. Immediately thereafter, this application was filed on 1st of July, 1999. Mr. Waweru for the respondent does not object to the application

and in my view rightly so. In that regard, I hereby exercise my discretion under **rule (4)** of this Court's Rules and extend the time for filing the Notice of appeal by seven days from today's date and thereafter the record of appeal be filed within 21 (twenty one) days from the date of filing of the Notice of appeal. The costs of this application shall go to the respondent.

Dated and delivered at Nairobi this 13th day of July,

1999.

E. OWUOR

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR