

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: LAKHA, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 195 OF 1999 (77/99UR)
BETWEEN

TWIGA CHEMICAL 1ST APPLICANT
LUCAS INDECHE IMBILA 2ND APPLICANT
AND
JORAM KIVAIRURESPONDENT

(Application for extension of time to file and serve record of appeal from an Order of the High Court of Kenya at Nairobi (Justice Khamoni) dated 23rd January, 1998

in

H.C.C.C. NO. 2377 OF 1988)

RULING

This is an application under rule 4 for an extension of time to file the record of appeal. The time to file the appeal expired on 6th December, 1998. The applicant on 9th June, 1999 was granted an extension upto 23rd June, 1999 to do so. This, however, was not done. Mr. Madara fell sick on 15th June, 1999 until 1st July, 1999. But he is not the only litigation lawyer in his Chambers. There is no explanation why another litigation lawyer available could not do so. If there are not enough litigation lawyers then the Chambers should have more. The record was ready by 1st July, 1999 and filed on 2nd July, 1999. But this application was not filed until 29th July, 1999. Again, there is no explanation for this delay.

In all the circumstances, I am not satisfied that I should exercise my discretion in favour of the applicant as I do not consider, in all the circumstances, that this is a fit and proper case to do so.

Accordingly, the application is dismissed.

Dated and delivered at Nairobi this 6th day of August, 1999.

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR