

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAKURU
(CORAM: TUNOI, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 159 OF 1999

BETWEEN

1. JOHN KIBOGY
2. JONATHAN L. KIBOGY.....APPLICANTS

AND

1. PRUDENTIAL FINANCE CO. LIMITED
2. CAPITAL AUCTIONEERS
3. KAMAU.....RESPONDENTS

**(An application for Extension of time to file an Appeal
from a Judgment of the High Court of Kenya at Eldoret
(Lady Justice Nambuye) dated 11th November, 1997**

in

H.C.C.C. NO. 156 OF 1991)

R U L I N G

The respondents are absent though they were duly served with **this application and formally notified of the hearing date by the Court. There is no explanation for their absence.** Thus, the application is not opposed. The delay in lodging this **application after the appeal was struck out on 26th February, 1999, has been explained to my satisfaction. I exercise** my discretion in favour of the applicants and grant the application as prayed. The applicants are granted leave to appeal out of **time. They shall file the Notice of Appeal within seven (7) days hereof and lodge the record of appeal within 21 days thereafter. Costs of this application shall abide the results** of the intended appeal.

Made at Nakuru this 22nd day of September, 1999.

P. K. TUNOI

JUDGE OF APPEAL

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

DEPUTY REGISTRAR