

REPUBLIC OF KENYA
IN THE COURTS OF APPEAL
AT NAIROBI

civil misc appl 211 of 98

MACHARIA KARUGU IAPPLICANT

AND

CHEGE MACHARIARESPONDENT

(Application for extension of time to file Notice and Record of Appeal from the Judgment of the High Court of Kenya at Nairobi (Justice Githinji) dated 13th October, 1997

in

H.C.C.C. NO. 379 OF 1986)

R U L I N G

This is an application under rule 4 of the Rules of this Court for an extension of time to file a notice of appeal and a record of appeal out of time. The judgment which is intended to be appealed against was given on 13th October, 1997 and no notice of appeal was filed within the time prescribed. Even on the basis of Mr. Mwihi being instructed in February 1998 this application was not filed until 4th September 1998. This is a long delay which has not been explained. After viewing the proceedings in July 1998 this application was not filed until, as I have already seen, 4th September, 1998. There is no explanation for this long delay.

In these circumstances I have no alternative but to refuse to exercise my discretion. The application is dismissed with costs.

Dated and delivered at Nairobi this 25th day of October, 1999.

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR