

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
CORAM: KWACH, J.A. (IN CHAMBERS)
CIVIL APPLICATION NO. NAI. 179 OF 1999

BETWEEN
BANK FUR ARBEIT AND WIRTSCHAFT A.G. APPLICANT
AND
ATTORNEY-GENERAL
OFFICIAL RECEIVER, KEN-REN CHEMICALS & FERTILIZERS
LIMITED RESPONDENTS

**(From the Order of the High Court of Kenya (Hon.
Lady Justice Aluoch) dated 9th July, 1992**

in
H.C.C.C. NO. 5739 OF 1990)

R U L I N G

The orders which the applicant sought in the original Notice and Motion dated 23rd October, 1992 were quite specific - extension of time to file a Notice of Appeal and a Record of Appeal. I dismissed that application on 22nd September, 1994 but on a reference under rule 54 of the Court of Appeal Rules the full Court on 30th June, 1995 decided I was wrong and allowed the application. For quite unexplicable reason, the Court extended time to file a Notice of Appeal but said absolutely nothing about the Record of Appeal.

The applicant filed an appeal pursuant to the order of the Court but this was struck out as incompetent on 8th July, 1999. The applicant then took out the present Notice of Motion.

There is no delay and neither the applicant nor its advocate can be blamed for what is clearly a blunder on the part of the Court. I allow the application and extend the time for filing a Notice of Appeal by 14 days from today and for filing the record of Appeal by 60 days from the date of filing the Notice of Appeal. I make no orders as to costs.

Dated and delivered at Nairobi this 9th day of December, 1999.

R. O. KWACH ----- JUDGE OF APPEAL

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

DEPUTY REGISTRAR