

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: TUNOI, J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI. 283 OF 1997

BETWEEN

PETER NDUNGU NJENGAAPPLICANT

AND

SOPHIA WATIRI NDUNGURESPONDENT

(Application for extension of time to file Memorandum of Appeal out of time in an intended Appeal from a Ruling and Order of the High Court of Kenya at Nairobi (Mr. Justice Hayanga) dated 19th November, 1996

in

H.C.C.C. NO. 4936 OF 1993)

RULING

This application is not opposed due to the absence of the respondent's counsel, who though duly served, has not appeared before me during the prosecution of the application by the applicant's counsel. I think, in all circumstances, this is a fit and proper case for me to exercise my discretion in favour of the applicant. The delay involved is not inordinate and has been satisfactorily explained. The subject matter involved is land and the applicant should be permitted to pursue his appeal to the ultimate. I allow the application.

Time to lodge the record of appeal is extended by 21 days hereof. Costs of this application shall be in the intended appeal.

Made at Nairobi this 14th day of January, 1998.

P. K. TUNOI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR