

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
(CORAM: OMOLO, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI 229 OF 1997 (KSM 28/97)
BETWEEN

STALLION INSURANCE CO. LTD.APPLICANT
AND
ROSEMARY OLAORESPONDENT

**(Appeal from the Ruling and Order of the High Court of
Kenya at Kakamega (Justice Tanui) dated 16th June,
1995
in
H.C.C.C. NO. 593 OF 1993
R U L I N G**

The applicant's previous appeal was struck out on the 18th June, 1997 and one week later this motion was filed. It is clear the applicant is anxious to pursue its rights of appeal. The advocates for the respondent were served with a hearing notice for today. They have not appeared to oppose the motion. I accordingly grant the motion and make the following orders:-

- (i)The notice of appeal must be filed within seven days of the date hereof;
- (ii)The record of appeal must be filed within twenty-one days from the date the notice of appeal is filed;
and
- (iii)The costs of this motion shall be in the intended appeal.

Dated and delivered at Kisumu this 27th day of March, 1998.

R. S. C. OMOLO

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.