

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: PALL J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 15 OF 1998

BETWEEN

YOON SIKO.....APPLICANT

AND

SEBASTIAN

KATHILU.....RESPONDENT

**(An application for extension of time to file Record of
Appeal out of time in an intended appeal from the
Judgment of the High court of Kenya at Machakos
(Mr. Justice Mwera) dated 24th September, 1997**

in

H.C.C.C. NO. 383 OF 1997

R U L I N G

The applicant filed the notice of appeal on 29.9.97 and obtained the proceedings on 24.11.1997 and filed the present application on 23.1.1998 obviously thinking that he was out of time whereas he was not. He was well within time to lodge the appeal without this application considering that xmas vacation period is to be excluded from the reckoning of time. Anyway,

I do not find any inordinate delay on the part of the applicant except that on the other hand his counsel was extra cautious. I grant the application and order that the applicant shall file the appeal within 21 days. Costs of the application to follow the final result of the appeal.

Dated and delivered at Nairobi this 20th day of March

1998. G. S. PALL

JUDGE OF APPEAL

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

DEPUTY REGISTRAR