

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 254 OF 1997

BETWEEN

MBUGUA CHEGE APPLICANT

AND

KENYA COMMERCIAL BANK

AGRICULTURAL FINANCE CORPORATION

DAVID M. KARANJA

HENRY M. CHEGERESPONDENTS

**(Application for extension of time to file Notice and Record
of Appeal out of time in an intended appeal from a Ruling
& of the High Court of Kenya at Nairobi (Justice Bosire)
dated 11th July, 1995**

in

H.C.C.C. NO. 810 OF 1989)

R U L I N G

The notice of appeal was filed within the prescribed time. The letter applying for a copy of the proceedings was made within 30 days and copied to the other side attracting the proviso to Rule 81 for an automatic extension of time to file the appeal. The proceedings have not yet been supplied so that the 60 days have not yet expired. This application is, therefore, premature. Accordingly, I strike it out with costs to the Respondents.

Dated and delivered at Nairobi this 22nd day of April,

1998.

A.A. LAKHA

JUDGE OF APPEAL

I certify that this is

a true copy of the original.

DEPUTY REGISTRAR

