

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
CORAM: KWACH, J.A (IN CHAMBERS)
CIVIL APPLICATION NO. NAI. 268 OF 1998 (KSM. 38/98)
BETWEEN

CIVIL APPLICATION NO. NAI. 268 OF 1998 (KSM. 38/98)
BETWEEN
JOHN AKARWA.....APPLICANT
AND
ALFRED INATKIMOSO.....RESPONDENT

(Application for extension of time to serve Notice of Appeal and file Records of Appeal out of time from the ruling and order of the High Court of Kenya at Kakamega (Mr. Justice Tanui) dated 23rd February, 1998, in

H.C.C.C. 258 OF 1992

RULING

This is an application under rule 4 of the Court of Appeal. It is not opposed by Mr. Omukunda for the respondent. The application is accordingly granted and the time for lodging the record of appeal is hereby extended to 15.1.99. Costs assessed at Shs.2,000/= to be paid by the respondent to the applicant as the former deliberately disregarded the process of the court and failed to appear either in person or by counsel on Tuesday 24.11.98 thereby causing unnecessary inconvenience to the applicant's advocate and the court. Payment within 7 days in default execution to issue.

Made at Kisumu this 26th day of November, 1998.

R. O. KWACH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.