

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 288 OF 1998 (UR.110/98)

BETWEEN

PETER NG'ANG'A MUIRURI APPLICANT

AND

CREDIT BANK LTD Formerly Credit Kenya Ltd

**CHARLES AYAKO NYACHAE NYACHAE & CO. ADVOCATES
RESPONDENTS**

RULING

The respondent is not offering the application, which is now before me. The applicant involves the jurisdiction of a single judge of this Court in seeking extension of time to lodge a fresh notice of appeal and record of appeal, his original appeal having been struck out on 3rd November, 1998 on account of the formal order not being properly drawn.

There has been no delay in filing this application and in the exercise of my discretion, I allow the application and order that a fresh notice of appeal, against the ruling (order) of Aganyanya, J be lodged within 10 days of to-day and the record of appeal be lodged within 30 days thereafter.

In this particular instance, I order that costs of this application be costs in the intended appeal.

Dated and delivered at Nairobi this 23rd day of November, 1998.

A. B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

