

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: LAKHA, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 213 OF 1998
BETWEEN

TONONOKA STEELS LIMITEDAPPLICANT

AND
THE EASTERN AND SOUTHERN AFRICAN TRADE
AND DEVELOPMENT BANK (THE P.T.A. BANK)RESPONDENT

(Application for extension of time to file Record of Appeal
from a Judgment of the High Court of Kenya at Nairobi
(Justice Keiwua) dated 8th May, 1998

in

H.C.C.C. NO. 267 OF 1998)

RULING

This is an application under **rule 4** of the Rules of this Court seeking an extension of time for the filing of the record of appeal from a Ruling of the superior court (Ole Keiwua, J.) dated 8th May, 1998. The Notice of Appeal was filed within the prescribed time and in terms of **rule 81** of the Rules an application for copies of proceedings duly copied to the opposite side was made on 20th May, 1998. These were supplied on 28th August, 1998 from which date time began to run. The applicant had 60 days from that date to file his appeal.

The last date accordingly was 28th October, 1998, Yet the application was filed on 11th September, 1998 before the time to file the appeal had expired. The application on my judgment was premature. Nor is there any explanation why the appeal was not filed between 28th August, 1998 and 28th October, 1998. In the absence of any explanation, I am unable to exercise my discretion. This application fails and is dismissed with costs.

Dated and delivered at Nairobi this 4th day of November, 1998.

A.A. LAKHA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR

