

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 42 OF 1997 (UR. 20/97)

BETWEEN

MUGO WAITHAKA 1ST APPLICANT

NJIHIA MUGO 2ND APPLICANT

NDUNGU MUGO 3RD APPLICANT

MWANGI MUGO 4TH APPLICANT

AND

MWAURA GITAU RESPONDENT

(Being an application for leave to appeal out of time
against the Judgment/Decree of the High Court of
Kenya at Nakuru (Hon. Mr. Justice Rimita) dated the
5th day of February, 1996

in

H.C.C.C. NO. 111 OF 1989)

RULING

The advocate for the respondent is duly served but is absent without a reasonable cause. The application before me is therefore unopposed. In any case it is meritorious. The applicants have acted with diligence and have exhibited strong desire to appeal. They have an arguable appeal as expressed by this Court in its ruling dated 20th September, 1996. I grant the application as prayed and do grant leave to the applicants to lodge their Notice of Appeal and Record of Appeal out of time. The Notice of Appeal shall be filed within 14 days hereof and the Record of Appeal shall be lodged in Court 60 days thereafter. Costs of this application shall be in the intended appeal.

Dated and delivered at Nairobi this 19th day of March, 1997.

P. K. TUNOI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR