

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: PALL, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 113/98 (47/98 UR)

BETWEEN

KENYA BUS SERVICES LIMITED.....APPLICANT
AND
MELEKSADIK OKUTOI.....RESPONDENT

(Application for extension of time to file Notice and
Record of Appeal out of time in the intended appeal
from the Judgment and decree of the High Court of
Kenya at Nairobi (Mr. Justice D.K.S. Aganyanya)
dated 11th March, 1991

in
H.C.C.C. NO.1129 OF 1991)

RULING

Judgment was delivered by the superior court on 11.3.1998 ordering the applicant to pay as salary shs.3244/= per month from 1.9.1987 to the date of judgment. The applicant was also ordered to refund the respondent's pension deductions. By this motion the applicant has sought an order for extension of time to file the notice as well as the record of appeal. Mr Billing for the applicant has by his affidavit in support of the application said that due to a mistake on his part, he forgot to file the notice of appeal in time.

The applicant has a right of appeal and the intended appeal does seem to be arguable. The delay is not so inordinate and the conduct of the applicant is not so flagrant that it should be deprived of its right to challenge the judgment in this court. Under s.4 I do have an unfettered discretion to extend time on such terms as to me appear to be just. In the circumstances I grant the application and extend the time for filing the notice of appeal. The applicant may file it within 14 days. The respondent shall have costs of the application assessed at Shs.2500/=.

Dated and delivered at Nairobi this 25th day of May, 1998.

G.S. PALL

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR