



REPUBLIC OF KENYA

IN THE COURT OF APPEAL  
AT NAIROBI  
(CORAM: LAKHA, J.A. (IN CHAMBERS))  
CIVIL APPLICATION NO. NAI. 369 OF 1996

BETWEEN

DEDAN MAHIRA RITHO ..... 1ST APPLICANT  
LUCY NYAMBURA RITHO ..... 2ND APPLICANT  
AND  
PUBLIC TRUSTEE ..... 1ST RESPONDENT  
MONICA MOI RITHO ..... 2ND RESPONDENT

(An application for extension of time to file Notice of Appeal  
out of time in an intended appeal from a Judgment of the  
High Court of Kenya at Nairobi (Justice Githinji) dated  
25th March, 1996

in  
H.C.SUCC.C. NO. 320 OF 1991)  
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R U L I N G

This is an application under Rule 4 of the Rules of this Court seeking an extension to file the Notice of Appeal and the Record of Appeal out of time.

The reason why the Notice of Appeal was not filed within the prescribed time is stated by Mr. Amuga to be that he wanted to get leave to appeal before doing so. Rule 74(4) provides this is not necessary.

In any event the leave to appeal allegedly obtained in April 1996 was granted out of time and is not valid.

There is no material before me on which I can have my discretion to grant this application. The application was filed on 26th November, 1996 against a Ruling delivered on 25th March, 1996 about eight months later. No explanation or record has been given from this inordinate delay.

The application fails and is dismissed with costs.

Dated and delivered at Nairobi this 11th day of June, 1997.

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR