

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: AKIWUMI, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 139 OF 1997

BETWEEN

FRANCIS MWANGI MUCHERU APPLICANT
AND
HANNAH MBURU KIARIE RESPONDENT

(Application for extension of time in an intended Appeal
from a Judgment of the High Court of Kenya at
Nairobi (Justice Githinji) dated 9th March, 1993

in
H.C.C.C. NO. 4927 OF 1991)

R U L I N G

The present application is by the applicant for leave to file a notice of appeal and record of appeal out of time, in respect of an appeal that was struck out on 6.6.1997 on the ground that it was incompetent as the then record of appeal contained an exhibit which had not been translated from Kikuyu into English as mandatorily required by the Rules of this court. Four days thereafter, the applicant brought the present application. This has been done timeously and the fault that had led to the striking out of the previous appeal was a purely technical one. In the exercise of my wide powers under Rule 4 of the Rules of this Court under which the present application has been brought, I will grant the applicant 7 days from today within which to file the notice of appeal and thirty days thereafter within which to file the record of appeal. For the avoidance of doubt, it is hereby reiterated that the respondent will be at liberty to file her cross appeal in accordance with Rule 96 of the Rules of this courts. Of course, costs will be in the intended appeal.

Dated and delivered at Nairobi this 28th day of July, 1997.

A. M. AKIWUMI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.