



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(Coram: Gicheru, J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 201 OF 1997 (87/97 UR)

BETWEEN

YUSUF LAHDAD SHAHRAD

AISHA YUSUF LAHDAD.....APPLICANTS

AND

1. ZUBEDABANU M. ABDOW

2. NURBANU A. MOLU

3. NABEED M. ISMAIL

4. NAHEED M. ISMAIL

5. NAHEEDA M. ISMAIL.....RESPONDENTS

(Application for extension of time to file an appeal in an intended appeal from a ruling

of the High Court of Kenya at Mombasa (Wambilyangah, J.) dated 25th March, 1995

in

H.C.C.C. NO. 361 OF 1993)

RULING

This application came up for hearing yesterday, 4th August, 1997, but there was no return of service of the hearing notice in respect of the respondents. Its hearing was therefore stood over to this morning and I am informed by the Registry that counsel for the respondents has been served with today's hearing notice. There is, however, no appearance for the respondents.

In this application, the applicant has sought extension of time within which to lodge the notice and record of appeal against the decision of the superior court given on 25th March, 1994 wherein he was found guilty of contempt of court and in respect of which he has now been committed to prison for 30 days with

effect from 17th July, 1997. In between the two dates, various applications and rulings in connection with the contempt order against the applicant have been made in respect of which where he was dissatisfied he has lodged appropriate notices of appeal culminating in the notice of appeal against the decision of the superior court committing him to prison for 30 days. There has, however, been no notice of appeal in respect of the original decision of the superior court that adjudicated him to be in contempt of court.

Because the applicant is of the view that his intended appeals from the decisions of the superior court arising from the above mentioned original decision may be prejudiced if he has not evinced his intention to appeal against that decision, he now makes the present application for that purpose. For that reason and with the material available before me, for what it is worth, I in the exercise of my discretion under rule 4 of the Rules of this Court grant this application so that the notice of appeal sought to be lodged be so lodged within the next 7 days from today's date and the record of appeal in respect of the decision sought to be appealed from be lodged within 14 days from the date of lodging the notice of appeal. There will be no order as to the costs occasioned by this application.

Dated and delivered in Nairobi this 5th day of August, 1997.

J.E. GICHERU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR