

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAKURU

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

CIVIL APPLICATION NO. NAI. 44 OF 1997

BETWEEN

KIPROP ARAP KOECH APPLICANT

AND

KOEI ARAP KOECH

WILSON KIPLAGAT KOECH RESPONDENTS

(Application for extension of time to file notice and record
of appeal out of time in an intended appeal from the
ruling of the High Court of Kenya at Nakuru (Rimita J)
dated 19th October, 1993

in

H.C.C.C. NO. 135 OF 1980)

R U L I N G

This is an application under rule 4 of the Rules of this Court for an extension to file notice of appeal and record of appeal out of time. The ruling of the superior court was delivered on 19th October, 1993. It is alleged that the court file went missing but was traced in August 1995. Yet this application was not filed until 13th February, 1997. This long delay remains unexplained. No proceedings or judgment (copies) are required to make such an application. I see no merit in this application. It is dismissed.
Dated and delivered at Nakuru this 23rd day of September, 1997.

A.A. LAKHA

JUDGE

OF

APPEAL

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

DEPUTY REGISTRAR