



**IN THE COURT OF APPEAL  
AT NYERI**

**(CORAM: SHAH, J.A. (IN CHAMBERS))**

**CIVIL APPLICATION NO. NAI 159 OF 1997**

**BETWEEN**

**HELLEN KATHUKA M'IKIARA.....APPELLANT  
AND**

**ESTHER MBOROKI.....RESPONDENT**

**MBOROKI.....RESPONDENT**

**(Appeal from a Ruling and Order of the High Court of  
Kenya at Meru (Mr. Justice R.O. Kuloba) dated 25th  
February, 1993**

**in**

**H.C.C.C. NO. 181 OF 1987)**

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**RULING**

This application for extension of time to file a fresh notice of appeal and record of appeal comes some 20 months after the first appeal was struck out as being incompetent. This delay of 20 months has not been explained. The status quo as of now is that the suit land stands transferred (since 1991) to a third party, who is not a party to this application.

To allow the extension of time as now sought would be an exercise in futility. This application is dismissed with costs.

**Dated and delivered at Nyeri this 31st day of October, 1997.**

**A. B. SHAH**

**.....**

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**