

REPUBLIC OF KENYA

**IN THE COURT OF APPEAL
AT NYERI
(CORAM: SHAH, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI 248 OF 1997**

BETWEEN

KABITAO

KARANJA.....APPLICANT

AND

THE ATTORNEY

GENERAL.....RESPONDENT

**(An application for extension of time from the Ruling of
the High Court of Kenya at Nyeri (Mr. Justice P.K.
Tunoi) dated 20th September, 1990)**

in

H.C. MISC. APPLICATION NO. 44 OF 1986)

R U L I N G

The nature of the intended appeal does seem to be of some importance as I gather from what little is before me. There is a delay, substantial, in filing this application which Mr. Mahan has sought to explain by stating from the bar that after the application was prepared it was left in the file and his client did not call on him. The land, the subject-matter of the suit, is still in possession of the applicant. The original owner appears not interested in the land.

In the very peculiar circumstances of this application I will allow it. I order that the notice of appeal be filed within the next seven days and that the record of appeal be filed within 21 days thereafter.

The respondent will have costs of this application which I assess at shs.3,000/=. These costs must be paid within the next one month, failing which execution may issue.

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