

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI 194 OF 1997

BETWEEN

ZEBRON NGUKU MOTE.....APPLICANT

AND

EPHANTUS MOTE WAKARIA.....RESPONDENT

(Application for extension of time to file Record of Appeal in an intended appeal

from a judgment of the High Court of Kenya at Nairobi (Hon. Lady Justice

Owuor) dated 9th October, 1996

in

H.C.C.A. NO. 41 OF 1993)

R U L I N G

Mr. Kiania Njau for the respondent is not objecting to this application. He seeks, however, costs of the application as he was brought here quite unnecessarily because the applicant could well have filed the appeal within time if the applicant had considered the effect of the proviso to Rule 81 of the rules of this Court. I agree with what Mr. Kiania Njau says. The application is allowed. The record of appeal may be filed within twenty days from to-day. That is my order. The respondent will have costs of this application now agreed at shs.1000/= which sum must be paid within the next 20 days.

Dated and delivered at Nairobi this 9th day of October, 1997.

A. B. SHAH

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR