



IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI.57 OF 1996 (19/96 UR)

BETWEEN

LESIOLO LIMITED.....APPLICANT

AND

SAMUEL NGANGA.....RESPONDENT

(Application for extension of time in an intended appeal from the ruling of the High Court of Kenya at Nairobi (Justice Tank) dated 9th January, 1991

in

H.C.C.C. NO. 3840 OF 1987)

RULING

This is an application under rule 4 of the Court of Appeal Rule., for extension of time to file a notice of appeal and an appeal, The decision against which Lesiolo Ltd (the applicant) wishes to appeal was given on 9th January, 1991. The applicant filed an appeal against that decision (Civil Appeal No.113/91), That appeal was struck out by the Court on 7th February, 1996, as the record of appeal did not contain a certified copy of the order appealed against as required by rule 85(1)(h) of the Court of Appeal Rules. The applicant's Advocate promptly filed this application on 13th February, 1996.

In his supporting affidavit Mr. Gross, learned counsel for the applicant, freely, and quite properly, admits that the exclusion of a certified copy of the order from the record of appeal was entirely his own fault. I think he should be rewarded for his candour and the expedition with which he has brought application.

In exercise of my discretion therefore, I allow this application and extend the time for lodging a notice of appeal to Tuesday 30th April, 1996, and for filing the appeal by 10 days from the date of filing the notice of appeal. Costs to be in the appeal.

Dated and delivered at Nairobi this 22nd day of April, 1996.

R.O. KWACH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR