

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 153 OF 1996

BETWEEN

DALMAS BEDDE OGOYE APPELLANT

AND

KENYA NATIONAL TRADING CORPORATIONRESPONDENT

(Application for extension of time to file appeal in an intended appeal from a judgment and decree of the High Court of Kenya at Nairobi (Justice Githinji) dated 16th October, 1991

in
H.C.C.C. NO. 2867 OF 1989)

RULING

This is an application under rule 4 of the Court of Appeal Rules for extension of time to file a notice of appeal and an appeal out of time, the first appeal filed by the applicant (Civil Appeal No. 91 of 1993), having been struck out by this Court on 25th October, 1995, because the record of appeal did not contain a certified copy of the decree as required by rule 85(1)(h) of the Court of Appeal Rules.

The applicant has explained the delay from 25th October, 1995 to 21st May, 1996, when he filed this motion, to ill health and since he appears to be acting in person, I think it is excusable. The respondent has not appeared, though served, to contest the application.

I allow the application and extend the time for filing a notice of appeal by 7 days from today, and for filing a record of appeal by 14 days from the date of filing the notice of appeal. Costs of the application to be in the appeal.

Dated and delivered at Nairobi this 18th day of June, 1996.

R.O. KWACH

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JUDGE OF APPEAL

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

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DEPUTY REGISTRAR