

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(Coram: Gachuhi, J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 83 OF 1995

BETWEEN

JAMES KIMANI NJUGUNA MBUGUA.....APPLICANT

AND

STANDARD CHARTERED BANK (K) LTD.....RESPONDENT

(Application for extension of time to file Notice of Appeal in an intended appeal from a judgment of the High Court of Kenya at Nairobi (Ole Keiuwa, J.) dated 23rd June, 1994

in

H.C.C.C. NO. 3737 OF 1989)

RULING

The applicant appears to have received low deal from the advocates who demanded a lot of money from him which he does not have. By the time he decided to act on his own the time to enter appearance and to file the record of appeal had ran out. He comes to the court under the provisions of rule 4 of the Rules of this court seeking extension of time to file and serve notice of appeal and to file record of appeal out of time. The facts leading to the delay are set out in the affidavit in support of the application. I have no reasons to doubt them. the record is ready.

In the circumstances I do exercise my discretion and grant the application. The applicant will file his notice of the intended appeal and serve on the respondent within seven days from the date hereof. The record of appeal is to be filed as provided for by the rules within 60 days from the date of lodging the notice of appeal.

Costs of this application to be costs in the intended appeal.

Dated and delivered at Nairobi this 29th day of June, 1995.

J.M. GACHUHI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR