

**IN THE COURT OF APPEAL
AT NAIROBI**

(CORAM: TUIYOTT, JA (IN CHAMBERS))

CIVIL APPLICATION NO. NAI E317 OF 2025

BETWEEN

ANTI-COUNTERFEIT AUTHORITY (ACA).....APPLICANT

AND

**MARIYA GROUP LIMITED.....1ST RESPONDENT
RAPID COSMETIC ENTERPRISES LIMITED.....2ND RESPONDENT**

*(Being an application for extension of time to serve notice of appeal out of time in an intended appeal from the Ruling of the High Court of Kenya at Nairobi (**Prof. (Dr.) Sifuna Nixon, J.**) delivered on 31st July 2024*

in

HC. Commercial Suit No. E212 of 2023)

RULING

- [1] The notice of motion dated 15th April, 2025 (perhaps 15th May 2025) seeking enlargement of time to serve a notice of appeal upon the respondents is not opposed and is for allowing.
- [2] The notice of appeal dated 13th August 2024 was filed on time but due to inadvertence explained by **Barbara Mwende Munguti** in her affidavit sworn on 15th May 2025, was not served on time. The failure is explained to be unintentional and a normal omission. In addition, it is regretted.

[3] I accept the explanation as plausible and as the motion is not opposed, it has not been demonstrated that to grant enlargement would prejudice the respondents.

[4] The notice of motion dated 15th April 2025 (but should have been dated 15th May 2025) is hereby allowed. The notice of appeal dated 13th August 2024 shall be served upon the respondents within **seven (7)** days of this order. No order as to costs.

Dated and delivered at Nairobi this 30th day of January 2026.

F. TUIYOTT

.....
JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR.