

**IN THE COURT OF APPEAL
AT KISUMU**

**(CORAM: KIMARU, JA (IN-
CHAMBERS)) CIVIL APPLICATION**

NO. E153 OF 2025 BETWEEN

SIMON OCHIENG' OTHIAMBO.....APPLICANT

AND

JOSHUA AREGO OBUOR.....RESPONDENT

(Being an application for extension of time to lodge the notice of appeal out of time from the Ruling of the High Court of Kenya at Kakamega (S.N. Mbungi, J) dated 30th april,2025

in

**Succ. Cause No. 80 of
1986)**

RULING

1. **Simon Ochieng' Othiambo**, the applicant herein, moved this Court substantially under **Rule 4** of the **Court of Appeal Rules** seeking to be granted extension of time to appeal out of time from the Ruling delivered by the High Court on 30th April, 2025 in **Succession Cause No. 80 of 1986**. The application is supported by the annexed affidavit of the applicant and the grounds stated on the face of the application. The applicant is acting in person.

2. The applicant was directed by the Deputy Registrar of this Court to serve the application upon the respondent. There is no evidence or proof that the respondent was served. There is no affidavit of service on record. In the circumstances therefore, since the application was not served, it is hereby adjourned to another date when the applicant will have complied with the directions issued by the Deputy Registrar of the Court.
3. Orders accordingly.

Dated and delivered at Kisumu this 2nd day of February, 2026.

L. KIMARU

.....
JUDGE OF APPEAL

I certify that this is a true copy of original.

Signed

DEPUTY REGISTRAR.