



**Muli & 29 others v Kenya Planters Co-operative Union Limited (Civil Appeal (Application) E242 of 2025) [2026] KECA 425 (KLR) (6 March 2026) (Ruling)**

Neutral citation: [2026] KECA 425 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL (APPLICATION) E242 OF 2025  
LM NJUGUNA, JA  
MARCH 6, 2026**

**BETWEEN**

**JAMES PETER MULI & 29 OTHERS & 29 OTHERS ..... APPLICANT**

**AND**

**KENYA PLANTERS CO-OPERATIVE UNION LIMITED ..... RESPONDENT**

*(Being an application for extension of time to file and serve the record of appeal against the entire judgment and decree of the Employment and Labour Relations Court at Nairobi (Ndolo, J.) dated 5th December 2024 in ELRC Cause No. 1224 of 2017)*

**RULING**

1. The notice of motion dated 15<sup>th</sup> April 2025 seeks extension of time to file and serve the record of appeal upon the respondent. The same is not opposed.
2. The reason for the delay, as explained by the applicants in the supporting affidavit, is that the typed proceedings were not availed to them on time. The applicants state that the proceedings were availed on 16<sup>th</sup> May 2024, yet the letter requesting for the same was lodged on 5<sup>th</sup> December 2024, the same day the judgment appealed against was delivered. The Court, however, notes an error on the date indicated by the applicants as the certificate of delay indicates that the proceedings were availed on 21<sup>st</sup> March 2025 and collected on 24<sup>th</sup> March 2025.
3. The power granted to a single Judge to extend time under the Rules is discretionary but should be guided by well laid principles which are;
  - a. The length of the delay;
  - b. The delay is explained to the satisfaction of the Court;
  - c. Whether there will be prejudice suffered by the respondent if the extension is granted;



d. Whether the application is brought without undue delay; and

e. Public interest among others

See the Case of Nicholas Kiptoo Arap Korir Salat vs. IEBC & 7 Others (Supreme Court Application No. 16 of 2014) [2014] eKLR.

4. The applicants further aver that the intended appeal is not frivolous and that it raises substantial matters of law capable of being heard on appeal.
5. The Court has perused the memorandum of appeal dated 2<sup>nd</sup> April 2025 and the grounds set out therein, and in my view, the appeal cannot be said to be frivolous.
6. The explanation given by the applicants for the delay is plausible. The delay was caused by the Court, and the applicants had nothing to do with it.
7. The certificate of delay dated 25<sup>th</sup> March 2025, clearly shows that, the applicants applied for the proceedings on the 5<sup>th</sup> December 2024, and the same were obtained on the 24<sup>th</sup> March 2025, a period of 109 days.
8. The notice of motion is allowed as prayed.
9. It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 6<sup>TH</sup> DAY OF MARCH 2026.**

**L. NJUGUNA**

**JUDGE OF APPEAL**

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

Signed

**DEPUTY REGISTRAR**

