

**IN THE COURT OF
APPEAL AT KISUMU**

**(CORAM: KIMARU, JA (IN
CHAMBERS) CIVIL APPLICATION NO.**

E019 OF 2026 BETWEEN

JOSECK SIMIYU PRICHANI.....APPLICANT

AND

**MASINDE MULIRO UNIVERSITY OF SCIENCE
&**

TECHNOLOGY.....RESPONDENT

(Being an application for extension of time to lodge and serve the record of Appeal from the Judgment of the Employment and Labour Relations Court of Kenya at Bungoma (Nderitu, J) dated 4th April 2024

in

ELRC No. E008 OF 2024)

RULING

1. The applicant, **Joseck Simiyu Princhani**, moved this Court by notice of motion under **Rule 4** of the **Court of Appeal Rules** seeking to be granted extension of time to lodge and serve the record of appeal “***against the Judgment of the Employment and Labour Relations Court delivered on 4th April, 2025 in Case No. Bungoma E&LRC E008 of 2024.***” The applicant explains the reason for delay in

lodging the appeal in time to be

on account of his advocate on record being engaged as a consultant during the recruitment exercise performed by the Bungoma County Public Service Board which commenced on 10th September, 2025. This was the period that the record of appeal was required to have been prepared, compiled and filed. The applicant states that the period of delay was not intentional and neither was it meant to prejudice the respondent. The applicant avers that the intended appeal raises serious points of law which are arguable and should be considered by this Court. The applicant pleads with the Court to allow the application in the interests of justice so that he can be given a chance to ventilate his appeal. The application is supported by the annexed affidavit of the applicant.

2. The applicant served the application upon the respondent through the office of the Attorney General, Kakamega. The

respondent did not file any response to the application. The application is therefore unopposed.

3. Under **Rule 4** of the **Court of Appeal Rules**, this Court has unfettered discretion to extend time for any steps to be taken within the period prescribed by the Rules. In the present application, the applicant gave the reason for the delay in lodging the record of appeal in time. The notice of appeal was lodged in time. It was filed on the same day the decision was rendered. The applicant filed the present application on 19th December, 2025. This was **six (6) months** beyond the period they were required to file and serve the record of appeal. The reason given for the delay is not persuasive. However, in the interests of justice, and not to visit the mistake of counsel upon the litigant, this Court will grant the application.

4. The applicant shall file and serve the record of appeal within twenty-one (21) days of today's date. There shall be no orders as to costs.

Dated and delivered at Kisumu this 10th day of March, 2026.

L. KIMARU

.....
JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR.

