

**IN THE COURT OF APPEAL  
AT NYERI  
(CORAM: KATWA KIGEN K. J., JA. (IN  
CHAMBERS))**

**CIVIL APPEAL (APPLICATION) NO.171 OF 2022**

**BETWEEN**

**RURAI NDIA-INI KIAMBI BUILDING COMPANY  
LIMITED.....APPELLANT**

**AND**

**SEGCON LIMITED.....RESPONDENT**

*(Being an appeal from the Judgment of the High Court of  
Kenya at Nyeri before F. Muchemi, J. delivered on 28<sup>th</sup> April  
2022*

*in*

*Civil Appeal No E076 of  
2021*

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**R U L I N G**

1. This is an application dated 14<sup>th</sup> December, 2022 brought under mainly **Rule 4, Court of Appeal Rules**. It seeks

extension of time (a) to file an appeal out of time, (b) for a Record of Appeal filed to be deemed filed.

2. I note from the filing that the appeal relates to a Ruling made at the Superior Court on the 28<sup>th</sup> April 2022. A Notice of Appeal is dated 5<sup>th</sup> May, 2022, and a request for proceedings is dated the same date (5<sup>th</sup> May, 2022). An annexed follow-up remainder for supply of proceedings is dated 4<sup>th</sup> December, 2022, (though the application states that it is dated 7<sup>th</sup> November, 2022) and relates to a different case and parties. Presumably an inadvertent mix-up of annexes.
3. It is explained that proceedings became ready on 15<sup>th</sup> November, 2022, and a Certificate of Delay, confirming the said delay is dated 17<sup>th</sup> November, 2022. Attendant thereto was this application for extension of time, dated 14<sup>th</sup> December, 2022.
4. There are no filings by the respondent to the application.
5. I note, in exercise of my judicious discretion, that the dates on the history of the case show diligent attention and promptitude. No inordinate delay nor indolence by the applicant/appellant is discerned.
6. In the situation, I allow the application as prayed. The time is extended to file the appeal to the date when the Record of

Appeal was filed. The Record of Appeal is deemed properly filed.

Service to be effected on the respondent within 14 days.

Costs to be in the main appeal.

**Dated and delivered at Nyeri this 13<sup>th</sup> day of March,**

**2026 KATWA KIGEN K. J.**

.....  
**. JUDGE OF  
APPEAL**

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

*Signed*  
**DEPUTY REGISTRAR**

