



**Action Africa Help International v Nyarwati (Civil Appeal (Application)  
E328 of 2022) [2022] KECA 1330 (KLR) (2 December 2022) (Ruling)**

Neutral citation: [2022] KECA 1330 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL (APPLICATION) E328 OF 2022  
GWN MACHARIA, JA  
DECEMBER 2, 2022**

**BETWEEN**

**ACTION AFRICA HELP INTERNATIONAL ..... APPLICANT**

**AND**

**JACOB MANG'ONDI NYARWATI ..... RESPONDENT**

*(An application for extension of time to file an appeal and Record of  
Appeal out of time against the Judgment of the High Court of Kenya  
(Nzioki Wa Makau, J) dated June 15, 2022 in ELRC No. E199 of 2021)*

**RULING**

**Application**

1. The applicant filed a notice of motion dated September 12, 2022, brought under Section 3A, and 79G of the [Civil Procedure Act](#), Cap 21 Laws of Kenya, Order 50 Rule 6 and Order 51 Rule 1 of the [Civil Procedure Rules, 2010](#), Rule 4 of the Court of Appeal Rules, seeking the following orders; -
  - a. This Honourable Court be pleased to enlarge time for filing of the appeal by the applicant against the entire judgment delivered by Nzioki Wa Makau, J in ELRC Petition E199 of 2021 Jacob Mang'ondi Nyarwati -vs- Action Africa Help International.
  - b. The memorandum of appeal annexed hereto be deemed as duly and properly filed.
  - c. That the costs of this application be provided for.
2. The application is supported by the grounds on the face of it and the affidavit sworn by Anyango Bwire, advocate for the applicant.



3. The applicant also filed a consent dated October 21, 2022 to the effect that:-
  - a. The applicant's application dated September 12, 2022 be allowed.
  - b. The applicant pays the respondent throw away costs of Kshs 15,000/=.
4. In the circumstances, I hereby adopt the said consent as an order of the court and further direct as follows;
  - a. The annexed memorandum of appeal be and is hereby deemed duly filed and served upon payment of the requisite fees.
  - b. The applicant has sixty (60) days from the date of this Ruling to file and serve the Record of Appeal.
  - c. Costs be paid as agreed between the parties.

**DATED AND DELIVERED AT NAIROBI THIS 2<sup>ND</sup> DAY OF DECEMBER, 2022.**

**G.W. NGENYE-MACHARIA**

.....

**JUDGE OF APPEAL.**

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

*Signed*

**DEPUTY REGISTRAR**

