



**IN THE COURT OF APPEAL**

**AT KISUMU**

**CORAM: MURGOR J.A.**

**CIVIL APPLICATION NO. 1 OF 2020**

**BETWEEN**

**1. CHARLES MURIONGO**

**2. ANTHONY MURIONGO.....APPLICANTS**

**AND**

**FRANCIS OMONDI.....RESPONDENTS**

*(Application for extension of time a Notice of Appeal out of time from the judgment and decree of the*

*Environment and Land Court at Kakamega, (N. Matheka, J). dated 7<sup>th</sup> May 2019*

*in*

***ELC Cause No. 224 of 2014 (OS)***

\*\*\*\*\*

**ORDER**

This Notice of Motion lodged on 6<sup>th</sup> January 2020, where ***the applicants, Charles Muriongo and Anthony Muriongo*** have applied for time to be extended under ***Rule 4*** of the ***Court of Appeal Rules 2010*** to file a Notice of Appeal out of time.

Upon considering the application, a ruling was reserved for 29<sup>th</sup> January 2020. However, further perusal of the record discloses that ***the respondent, Francis Omondi*** was not served with a Hearing Notice and neither is there any evidence to support service of the application on him. As a consequence, this could be the reason for his failure to file any replying affidavit or submissions.

In view of the above, the applicants are ordered to serve the respondent with the application, following which, another date for hearing of the application can be fixed in the registry on a propriety basis. The registry is directed to ensure that the hearing notice is duly served on all parties

***DATED at NAIROBI this 29<sup>th</sup> day of January, 2021.***

**A.K. MURGOR**

.....

**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR**