



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: NAMBUYE, J.A (IN CHAMBERS))

CIVIL APPEAL (APPLICATION) NO. 553 OF 2020

BETWEEN

ATTORNEY GENERAL.....APPLICANT

AND

MIKE MAINA KAMAU...RESPONDENT

(An appeal seeking to extend the period of filing of the record of appeal from the decision of the Environment and Land Court (Hon. L. Gacheru, J.) dated 29th *November 2017* in **Thika ELC No. 1303 of 2014**)

RULING OF THE COURT

1. UPON perusing the Notice of Motion dated 16th July 2020 under Article 164(3)(a) of the Constitution, **Sections 3, 3A and 3B** of the **Appellate Jurisdiction Act**, and **Rule 4** of the **Court of Appeal Rules 2010**, substantively seeking an order that the Honourable Court be pleased to extend the time of filing of the record of appeal; an order that the honourable court be pleased to order that the record of appeal already filed being **Civil Appeal No. 553 of 2019** be deemed as properly filed; and an order that costs of the application be in the cause; and
2. UPON reading the grounds in the body of the application and the supporting affidavit of **Prof. ARCH. Paul M. Maringa** sworn on 16th July 2020 together with annexures thereto; and
3. UPON perusing the replying and further replying affidavits sworn by **Mike Maina Kamau** on 5th August 2020 and 26th August 2020 respectively together with annexures thereto; and
4. UPON considering the written submissions of the applicant dated 3rd August 2020; and
5. **HAVING** considered the principles that guide this court in the exercise of its mandate under **Rule 4** of this Court's rules, being the substantive rule for extension of time within which to comply as restated and crystalized in the case of **Martin W. Nguru vs. Attorney General [2020] eKLR** and **Vishva Stone Suppliers Company Limited vs. RSR Stone [2006] Limited [2020] eKLR**, I am satisfied that the Appellant/Applicant's application is meritorious; and
6. Having reached that conclusion, I make the following orders:

i. **Time for filing of the record of appeal is extended to 14th November 2019, the date on which the Record of Appeal was filed.**

ii. **The Record of Appeal as filed is deemed as properly filed.**

iii. **Costs of the application to abide the outcome of the appeal.**

Dated and delivered at Nairobi this 9th day of October, 2020.

R. N. NAMBUYE

.....

JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR