IN THE COURT OF APPEAL

AT NYERI

(SITTING AT NAKURU)

(CORAM: G. B. M. KARIUKI J.A IN CHAMBERS)

CIVIL APPLICATION NO. 65 OF 2017

BETWEEN

THE COUNTY GOVERNMENT OF BOMET .....…… APPLICANT

AND

MOI UNIVERSITY ..... 1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

THE CHIEF LAND REGISTRAR.....3RD RESPONDENT

HON PROF. WIFRED LESSAN,HON STEPHEN MUTAI,

HON CECILIA NGETICH, HON DR. JOYCE LABOSO,

HON SAMMY KOESH, HON BERNARD

BETT AND HON RONALD TONUI.....INTERESTED PARTIES

(Being an application for extension of time to file a Notice of appeal and Record of Appeal out of time in an intended Appeal from the Judgment and Order of the High Court of Kenya at Bomet (delivered on 8th June, 2016 by (Muya, J.) in

Nakuru Petition No.3 of 2016

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ORDER OF THE COURT

When the Notice of Motion dated 9th June, 2017 was called out for hearing, Mr.Biko, learned counsel for the applicant had just been served with a replying affidavit filed by the interested parties which he says he has hardly digested. He has also just been served with grounds of opposition filed today by the 1st respondent. He seeks time to file replying affidavit/s to the affidavit by the interested parties and to the replying affidavits to be filed by the respondent. Learned counsel holding brief for **Mr**. **Yego** for the 1st respondent, Mr. Nyachiro, also seeks adjournment on the ground that **Mr. Yego** learned counsel was served only today about this hearing and needs time to prepare.

On his part Mr. Mutai, learned counsel for the interested parties seeks directions in view of the Notice of Motion filed as No. 76 of 2017 seeking to strike out the application before me now.

In the circumstances the Notice of Motion before me (i.e. 65/2017) cannot proceed to hearing. As prayed by Mr. Biko counsel for the applicant leave is hereby granted to the applicant to reply to the replying affidavit or affidavits by the respondent. Such reply shall be filed and served within 14 days of service of the replying affidavit.

As regards the request by Mr. Mutai, as the application No. 76/2017 filed in Nyeri is a matter for a full bench, directions shall be sought and given by the full bench in that file.

Another hearing date for the Notice of Motion before me shall be given.

Dated and delivered at Nakuru this 12th day of July, 2017.

G. B. M. KARIUKI

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JUDGE OF APPEAL

F. SICHALE

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JUDGE OF APPEAL

S. ole KANTAI

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JUDGE OF APPEAL

I certify that this is a

true copy of the original.

DEPUTY REGISTRAR