

IN THE COURT OF APPEAL

AT KISUMU

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

CIVIL APPLICATION NO. 82 OF 2014

BETWEEN

FWAMBA MUKULE MUCHENJA.....APPLICANT

AND

KEFA WASIKE MUKHWANA & 3 OTHERS..... RESPONDENT

(An application for extension of time to file Notice of Appeal and Record of Appeal out of time in an intended Appeal from the Judgment and Decree of the High Court of Kenya at Bungoma (Hon. Lady Justice Anne Omollo, J) dated 25th day of April, 2012)

in

BUNGOMA HCCC NO. 16 OF 2000)

RULING

The applicants advocates M/s Ogone Getand & Co Advocates were served with a hearing Notice for today on 23.1.2015. They are not present in court to prosecute the application Mr. Getanda, learned counsel for the 1st and 3rd respondents, who has indicated to me that the 2nd and 4th respondents are shown on the title in error as their names were removed in the proceedings in the High Court, has urged me to dismiss the application with costs for none appearance of the advocate to prosecute the application.

In the premises where the advocate for the applicant who has been served with a hearing notice is not present to prosecute the application I dismiss the application dated 18/12/2014 under Rule 56 (1) of the Courts Rules. The 1st and 3rd respondents will have costs of the application.

Dated and delivered at Kisumu this 29th day of January, 2015

S. ole Kantai

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JUDGE OF APPEAL

I certify that this is a true

copy of the original

DEPUTY REGISTRAR