



IN THE COURT OF APPEAL

AT ELDORET

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

CIVIL APPLICATION NO. 77 OF 2015

BETWEEN

DAVID MARITIM ROTUK 1ST APPELLANT

PETRONILLA CHEPKURGAT KEBENEI..... 2ND APPELLANT

AND

JEPSONGOK CHERUIYOT..... 1ST RESPONDENT

KIRWA TARUS 2ND RESPONDENT

(An application for leave to file and serve a Notice Of Appeal and Record Of Appeal out of time in the High Court Of Kenya at Eldoret (Kanyi J.) delivered on 22nd February, 2015

in

HC.MISC. SUCC. CAUSE NO. 754 OF 2008)

RULING

Having perused the application and the averments in the affidavit in support of it and having considered the submissions by counsel for both parties, I find that the application has merit. Consequently, I allow it and order that the applicant shall file and serve the notice of appeal within seven days and the record of appeal within 30 days of service of the notice of appeal.

The costs of this application shall be costs in the intended appeal.

DATED this 24th day of June, 2015

D.K.MARAGA

.....

JUDGE OF APPEAL

I certify that this is

a true copy of the original

DEPUTY REGISTRAR

KISUMU