



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: KEIWUA, JA (IN CHAMBERS))

CIVIL APPLICATION NO. NAI 161 OF 2010

BETWEEN

YASMIN ABDULKARI T/A Y.A. ALI ADVOCATES.....APPLICANTS

AND

SOUTHERN CREDIT BANKING CORPORATION LTD.....RESPONDENT

(Application for extension of time within which the notice of appeal dated 4th May 2010 in an intended appeal against the ruling of the High Court of Kenya at Mombasa (Azangalala, J) in High Court Commercial Civil Suit No. 34 should be lodged and served and that the notice of appeal dated 4th May 2010 and lodged in the High Court on 11th May 2010 be deemed as lodged within time.

in

H.C.C.C. NO. 34 OF 2009

RULING

The applicant applied on 14th June 2010 for extension of time within which to lodge the Notice of appeal. The Notice of appeal is dated 4th May 2010 and was lodged in the superior Court on the 5th May 2010. The applicant also seeks enlargement of time within which to serve the notice of appeal on the respondent.

Mr Mutugi, learned counsel for the respondent not opposing the application, the notice of appeal is deemed to have been lodged in the superior court on the 5th May 2010. On the other hand, the Notice of appeal is also deemed to have been served on the respondent within the time allowed by **rule 76(1)** of the Court's Rule. The applicant to pay the respondent's costs of the application in any event.

Made and dated at Nairobi this 12th day of October, 2010.

M. OLE KEIWUA

.....

JUDGE OF APPEAL

I certify that this is a
true copy of the original

DEPUTY REGISTRAR