

REPUBLIC OF KENYA

IN THE COURT OF APPEAL OF KENYA
AT KISUMU

Civil Appli 338 of 2006

RUTH ATIENO OTIANG'AAPPLICANT

AND

FEDELIA WASGANY OTIANG'A1ST RESPONDENT

JACOB OCHIENG' OTIANG'A2ND RESPONDENT

(An application for extension of time to validate a notice of appeal filed on 6th December, 2005 and to serve record of appeal out of time from the judgment and decree of the High Court of Kenya Kisumu (Mr. Justice Mohammed Warsame) dated 24th November, 2005 in H.C.C.S. NO. 196 OF 2002)

RULING

As both counsel agree that the application dated 26th October, 2006 be granted, it is hereby so ordered. The time for serving the notice of appeal filed on 6th December, 2005 is hereby extended to 27th of January, 2006 and is deemed to have been properly served. The record of appeal shall be filed and served within 14 days from the date of this ruling. Costs of the application shall be paid to the respondent and are assessed at Kshs. 5,000/=.

Made at Kisumu this 23rd day of March, 2007.

P. N. WAKI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR