



REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA

AT NAIROBI

Civil Appli 71 of 2007

FRANCIS MBURU NJOROGE .....APPLICANT

AND

PETER KABIBI KINYANJUI .....1<sup>ST</sup> RESPONDENT

AFRICA MEDIA LIMITED .....2<sup>ND</sup> RESPONDENT

*(An application for extension of time within which to lodge the notice of appeal and record of appeal against the judgment of the High Court of Kenya Nairobi (Mr. Justice J.L.A. Osiemo) dated 27<sup>th</sup> June, 2000 in H.C.C.C. NO. 2643 OF 1986)*

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ORDER

This is an application for an extension of time within which the applicant can lodge and serve a fresh Notice of Appeal and Record of Appeal. The original Notice of Appeal against the judgment of Osiemo J delivered on 27<sup>th</sup> June 2000 was lodged in time but the record of appeal was not lodged in time.

The extension time sought, according to Mr. Tiego the learned counsel for the applicant is 21 days from the date when the original Record of Appeal was struck out on 13<sup>th</sup> March, 2007 to the date when the current Notice of Motion applying for extension was filed on 3<sup>rd</sup> April 2007. He relied on the case *Alfred Ramaris and others vs. Association of Members Episcopal Conference in Eastern Africa Civil Application No. Nai. 375 of 2002 (unreported)*.

Mr. Kamunda, the advocate for the respondents Peter Kabibi Kinyanjui and Africa Media Limited informed me that he did not oppose the application.

In applications under **rule 4 (1)**, as a single Judge, have an unfettered discretion to extend the time for filing a fresh Notice of Appeal and Record of Appeal following upon the striking out of the Record of Appeal originally filed.

Given that the respondent does not oppose the application and that the extension sought is 21 days I exercise my discretion in favour of granting the extension of time sought.

I hereby order that the time within which the application Francis Mburu Njoroge may lodge and serve his Notice of Appeal is extended to expire seven days from today.

I hereby further order that the Record of Appeal shall be lodged and served within fourteen days from the lodging of the Notice of Appeal. Costs of this application shall be in the intended appeal.

*Dated and delivered at Nairobi this 27<sup>th</sup> day of July 2007.*

**W. S. DEVERELL**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**