



**IN THE COURT OF APPEAL OF KENYA PEAL**

**AT NAKURU**

**Civil Appli. Nai 30 of 2007**

**CHEPKWONY KIPLANGAT RONO ..... APPLICANT**

**AND**

**REPUBLIC .....1<sup>ST</sup> RESPONDENT**

**THE DISTRICT LAND REGISTRAR**

**(KERICHO) .....2<sup>ND</sup> RESPONDENT**

**EX-PARTE**

**MUSA RONO .....3<sup>RD</sup> RESPONDENT**

**BOYOT RONO .....4<sup>TH</sup> RESPONDENT**

**EZEKIEL KIRUI .....5<sup>TH</sup> RESPONDENT**

*(An application for extension of time within which to lodge and serve a notice of appeal and record of appeal from the ruling of the High Court of Kenya at Kericho (Mr. Justice L. Kimaru) dated 30<sup>th</sup> October, 2006*

**in**

**H.C.C. MISC. APPLICATION NO. 32 OF 2005)**

**\*\*\*\*\***

**RULING**

The applicant asks me to enlarge time within which to file and serve a notice of appeal and the record of appeal.

The ruling against which he proposes to appeal was delivered on 30<sup>th</sup> October, 2006; this motion for extension of time was filed on 22<sup>nd</sup> January 2007 which Mr. Onganyi, the learned counsel for the applicant, agrees is a delay of some three months. That delay is explained on two grounds, namely that the previous advocates failed to carry out the instructions given to them by the applicant and secondly the ill-health of the applicant himself.

There is some evidence that the applicant had instructed his previous advocates to appeal in the event he lost in the superior court and documents evidencing ill-health on the part of the applicant are also attached. The motion was served on the advocates for the respondents and neither those advocates nor the respondents are here to oppose the motion.

In the event, I allow the motion dated 15<sup>th</sup> January, 2007 and lodged in the Court on 22<sup>nd</sup> January, 2007 and I order as follows:-

1. *The applicant shall lodge and serve on all the respondents his notice of appeal within seven (7) days of the date hereof.*
2. *Thereafter, the applicant shall lodge his record of appeal within thirty (30) days from the date hereof and serve the same on all the respondents within seven (7) days of its lodgment.*
3. *There shall be no orders as to the costs of the motion.*

*Dated and delivered at Nakuru this 26<sup>th</sup> day of September, 2007.*

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**