

REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT KISUMU

CIVIL APPLICATION 331 OF 2005

CALTEX OIL (KENYA) LIMITED APPLICANT

AND

JOHANNES OKELLO OMBOTO RESPONDENT

(Application for extension of time to file and serve notice and record of appeal out of time in an intended appeal from a judgment and decree of the High Court of Kenya at Kisumu (Wambilyangah, J) dated 19th May, 2003

in

H.C.C.C No. 193 of 1989

(Consolidated with H.C.C.C No. 200 of 1990))

R U L I N G

The respondent does not oppose the applicant's notice of motion dated and lodged in this Court on 7th November, 2005. Accordingly, I order that the notice of appeal lodged on 30th May, 2003 and which was validly lodged in time be and is hereby deemed to be still valid and existing though I doubt the necessity of such an order. I further order that the record of appeal be lodged within twenty one days of the date hereof and be served upon the respondent within seven days from the date of its lodgment. The applicant shall pay to the respondent **Shs. 10,000/=** as the costs of the motion.

Dated and delivered at Kisumu this 30th day of March, 2006.

R.S.C OMOLO

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR