



**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA PEAL AT NAKURU**

**Civil Appli Nai 332 of 2005 (NAK. 16/2005)**

**BETWEEN**

**JULIA WACHEKE MUNGAI.....APPLICANT**

**AND**

- 1. BETTY NGENDO GACHIE.....1<sup>ST</sup> RESPONDENT**
- 2. AMOSAM BUILDERS & DEVELOPMENT LTD.....2<sup>ND</sup> RESPONDENT**
- 3. NAKURU MUNICIPAL COUNCIL.....3<sup>RD</sup> RESPONDENT**

*(An application for extension of time to lodge and serve a Notice and Record of Appeal out of time from the Judgment & decree of the High Court of Kenya at Nakuru (Mr Justice Rimita ) dated 26<sup>th</sup> January, 2001 in HCCC NO. 104 OF 1992)*

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**R U L I N G**

Neither the 1<sup>st</sup> nor the 2<sup>nd</sup> respondents whose respective advocates are present opposes the applicant's notice of motion for enlargement of time. The third respondent was also served with notice for today's hearing but is not present to oppose the motion. In the circumstances, I allow the applicant's notice of motion dated 14<sup>th</sup> November, 2005 and make the following orders:-

- 1. The applicant shall lodge and serve her notice of appeal within seven days of the date hereof.**
- 2. The applicant shall lodge her record of appeal within fourteen days from the date the notice of appeal is lodged in Court. The record of appeal must thereafter be served on the respondents within seven days from the date of its lodgment in Court.**
- 3. The costs of the present motion shall be in the intended appeal.**

Dated and delivered at Nakuru this 1<sup>st</sup> day of March, 2006.

**R.S.C. OMOLO**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**