



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

**CORAM: O’KUBASU J.A (IN CHAMBERS)
CIVIL APPLICATION NAI 198 OF 2005 (KSM 20/05)**

BETWEEN

BONDO GODFREY J. OBIERO.....APPLICANT

AND

TEACHERS SERVICE COMMISSION.....RESPONDENT

***(Application for extension of time to serve Notice of Appeal from
Kisumu Court of Appeal Case NO 3 of 2005***

RULING

This is an application under rule 4 of this Court’s rules for leave to serve notice of appeal out of time. There was a delay of only two days which has been explained. There was a holiday of Idd ul Fitr which interrupted the applicant’s efforts to serve notice of appeal in time.

In view of the foregoing, I am satisfied that this is a proper case in which I should exercise my unfettered discretion under rule 4 in favour of the applicant. Accordingly, the application is allowed and the applicant is now granted leave to serve a notice of appeal within 7 days from the date hereof. Costs shall be in the intended appeal.

Dated and delivered at Kisumu this 25th day of November, 2005.

E. O. O’KUBASU

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR