

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

Civil Application Nai 179 of 2005 (NYR. 8/2005)

WANDIRI KARIMI (Minor suing through

Next friend and mother LYDIA KARIMI APPLICANT

AND

GHALIB KHAN

NEER CONSTRUCTION RESPONDENTS

(Application for extension of time to file record of appeal out of time from the judgment and decree of the High Court of Kenya at Meru (Ongundi J) dated 9th May, 1995

in

H.C.C.C. NO. 475 OF 1993)

R U L I N G

This is an application for extension of time in which to file the notice of appeal and record of appeal. Mr. Mahan for the respondent has no objection to the application. The applicant's record of appeal was struck out on 13th May, 2005 and by 19th May, 2005 this application was filed. Clearly there was no delay in making the application.

In view of the foregoing, this application is granted and the applicant is to file the notice of appeal within seven (7) days from the date of this ruling and the record of appeal has to be lodged and served within 21 days from the date the notice of appeal is filed. Costs to the respondent the same assessed at Kshs.5,000/= and to be paid within 10 days of this ruling in default execution to issue.

Dated at Nyeri this 1st day of November, 2005.

E. O. O'KUBASU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR