

IN THE COURT OF APPEAL

AT NAIROBI

CIVIL MISCELLANEOUS APPLICATION NO. 447 OF 2001

JOHN NJENGA NGANGA APPLICANT

AND

1. THE LAND REGISTRAR THIKA

2. BERNARD MUOHO RESPONDENTS

R U L I N G

This is a motion under rule 4 of the Court of Appeal Rules for an extension of the time within which to lodge a record of appeal. The applicant filed a notice of appeal in time through his then advocate, P.S Gatimu. But the said counsel was taken ill, was hospitalised for long and eventually succumbed to death from that illness. The applicant now says that although Mr. Gatimu died in the year 2001, he was not able to get his file from his former chambers until recently and hence the delay in bringing this motion.

I am persuaded that the applicant has good reasons for not lodging the record of appeal timeously and therefore is entitled to the exercise of my unfettered discretion under the aforesaid rule in his favour. Accordingly I allow the application and extend the time within which to lodge a record of appeal by 30 days from the date hereof. Although the applicant has not sought an order extending the time within which to serve the said record of appeal, I consider it logical to grant him leave to serve the said record of appeal within the same period.

Dated and delivered at Nairobi this 19th day of February, 2003.

S.E.O. BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR