

**IN THE COURT OF APPEAL
AT NAIROBI**

CIVIL APPLICATION NO. NAI 57 OF 2002

CORAM: KEIWUA, J.A (IN CHAMBERS)

BETWEEN

GEORGE MUKURU MUCHAIAPPLICANT

AND

THE STANDARD LIMITEDRESPONDENT

R U L I N G

This is an application for extension of time within which to file an appeal from a decision of the superior court delivered on July 11, 2001. In normal circumstances Rule 81(1) of the Court of Appeal Rules provides for an appeal to be instituted within 60 days of the lodgement of the Notice of Appeal which was lodged on July, 12, 2001.

The applicant therefore had up to September 12, 2001 to lodge the appeal. However, the proviso to Rule 81(1) makes an exception where copies of proceedings have been applied for. The time taken in making and providing such copies is to be disregarded in computing the time within which an appeal must be filed. But in this case no such application was made and therefore the proviso to Rule 81(1) does not apply.

The other matter is that the delay involved is one year and 4 months. It is inordinate indeed. What is even more is the fact that it has not been explained at all by the applicant. In that event I am unable to exercise my discretion in favour of the applicant and I dismiss his application with costs.

Dated and delivered this 10th day of February, 2003.

M. Ole KEIWUA

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JUDGE OF APPEAL

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