



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CORAM: SHAH, BOSIRE & OWUOR, J.J.A**

**CIVIL APPLICATION NO. NAI. 29 OF 2002**

**BETWEEN**

**DORCAS MBENEKA.....APPLICANT**

**AND**

**1. PRISCILLA NDULULU**

**2. THE PUBLIC TRUSTEE.....RESPONDENT**

**RULING OF THE COURT**

The judgment, the respondent sought to appeal against, was delivered on 21st January, 1993 . The notice of appeal was lodged on 20th February, 1993. It was clearly lodged out of time. The attempt by the respondent to have the time for lodgment of the said notice of appeal was not success ful. The respondent has taken no proper steps to lodge the appeal itself. The respondent, though served, is not here to defend the application. In these circumstances the notice of appeal lodged by the respondent on 20th February, 1993 is struck out. The applicant will have costs of this application.

**Dated and delivered at Nairobi this 24 th day of March, 2003.**

**A.B. SHAH**

.....  
**JUDGE OF APPEAL**

**S.E.O. BOSIRE**

.....  
**JUDGE OF APPEAL**

**E. OWUOR**

.....  
**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR.**