

**IN THE COURT OF APPEAL
AT KISUMU
CORAM: LAKHA, J.A. (IN CHAMBERS)**

CIVIL APPLICATION NO. NAI. 217 OF 2002 (KSM.27/02)

BETWEEN

UNITED INSURANCE CO. LTD..... APPLICANT

AND

ALFRED MOFFAT O. MICHIRA1ST RESPONDENT

DUNCAN N. MICHIRA2ND RESPONDENT

An application for extension of time to file and serve the notice of appeal and record of appeal out of time from a judgment and decree of the High Court of Kenya at Kisii (Mr. Justice Wambilyangah) dated 20th May, 2002

in KISII H.C.C.C. NO. 29 OF 2001)

R U L I N G

Whilst I do not agree with all that Mr. Olel says in support of his application to extend time, it appears clearly to me that Mr. Bosire has been unable to stand by real prejudice that his client is likely to suffer if this application is allowed. Having considered all the circumstances of this case I am satisfied this is a proper case for the exercise of my discretion to allow the extension and serve the Notice of Appeal on the Respondents within 7 days from today. Accordingly, the application is granted as prayed. Appeal to be filed within 45 days.

Dated the 24th March, 2003.

A. A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR