

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: KWACH, LAKHA & KEIWUA, J.J.A.)

CIVIL APPLICATION NO. NAI. 345 OF 2002

IN THE MATTER OF THE ESTATE OF THE LATE JULIUS MUNYI KAARA

BETWEEN

DIANA WANJIRU MUNYI APPLICANT

AND

GLADYS WANJIRU MUNYI RESPONDENT

RULING OF THE COURT

This is an application made under **rule 80** of the Rules of this Court seeking to strike out a Notice of Appeal lodged on 26 July 2000 from the judgment of the superior court (Mulwa, J.) given on **14 July 2000** .

The respondent's advocates were duly notified on **11 January 2002** that copies of the proceedings were ready thus making the 15th of March 2002 as the last day for filing the appeal. Yet no appeal was filed by that date. Nor has one been filed to date. Instead, an application was made on **14 March 2003** for an extension of time.

We are not persuaded that there is any good reason why the applicant's application to strike out should not be granted. Accordingly the application to strike out the notice of appeal succeeds. It is granted as prayed with costs.

Made at Nairobi this 7th day of April, 2003

R.O. KWACH

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

M. KEIWUA

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JUDGE OF APPEAL

I certify that this is a

true copy of the original.

DEPUTY REGISTRAR