



IN THE COURT OF APPEAL
AT NAKURU

CORAM: O'KUBASU, J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI 93 OF 2001

BETWEEN

EZEKIEL NGARE WANJOHI APPLICANT

AND

LEBA INYANGALA

ATTORNEY GENERAL

JORAM INYANGALA

MUSILO INYANGALA RESPONDENT

(Application for extension of time to file notice of appeal out of time in an intended appeal from a judgment of the High Court of Kenya at Kitale (Nambuye J) dated 13th April, 2000

in

H.C.C.C. NO. 34 OF 1997)

RULING

This is an application for leave to file appeal out of time. The applicant who is a pauper says that he had already filed a notice of appeal but now wants to file a record of appeal. I have considered what I said in my ruling delivered on 20th February, 2001 and in view of the fact that the applicant is a pauper who wishes to pursue this matter to the highest court in the land, I am of the view that the applicant should not be denied his right of appeal simply because he had no financial means.

Since this Court has allowed him to file appeal as a pauper I now order that this application is granted and the applicant is to file his intended appeal within 30 days from the date of this ruling. There will be no order for costs.

Dated and delivered at Nakuru this 18th day of February, 2002.

E. O. O'KUBASU
JUDGE OF APPEAL

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

DEPUTY REGISTRAR