

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: SHAH, J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI. 314 OF 2001

BETWEEN

PETER NDIRANGUAPPLICANT

AND

MARY KARANJARESPONDENT

(An application for extension of time to serve Record of
Appeal from a judgment and decree of the High Court
of Kenya at Nairobi (Ang'awa, J) dated 20th
November, 2000

in

H.C.C.C. NO. 1572 OF 1999)

R U L I N G

I am aware of the fact that many counsel are now beginning to realise that they do not have certified copies of proceedings and judgment to mount an appeal. These blunders have led to a lot of problems in that appeals have been struck out as the parties had no benefit of the proviso to rule 81(1). I have carefully perused the application before me. I cannot say that the advocates have been inactive. The firm of Kamau Karoki & Company, Advocates were doing their bungling best to file the appeal. I would not want to punish the applicant for errors of advocates especially when the applicant is not aware of what is happening. I am told the appeal has already been lodged on 30th August, 2001. It is Civil Appeal No. 226 of 2001.

I am not able to say that the appeal is frivolous. Using the discretion donated to me by rule 4 of the Rules of this Court I allow this application and order that Civil Appeal No. 226 of 2001 lodged on 30th August, 2001 is deemed to be filed in time. The applicant will, in that appeal, file within the next seven days supplementary record of appeal to include a copy of this ruling. I make no order as to costs.

Dated and delivered at Nairobi this 12th day of March, 2002.

A.B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR