

**IN THE COURT OF APPEAL
AT NAIROBI**

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

CIVIL APPLICATION NO. NAI. 17 OF 2001

BETWEEN

1. S.W. NJUGUNA

2. N. KARANJA

3. J.M. NJOROGE

4. S.N. TIMOTHYAPPLICANTS

AND

1. MATAARA TEA FACTORY CO. LTD

2. E.G. KARANJA

3. JOHN KARANJA KAMAMO

4. JAMES E. WATENGA

5. FRANCIS M. KIMANI

6. DAVID N. WATAKI

7. SAMMY G. CHEGE

8. RIABA GACHERA

9. KTDARESPONDENTS

**(An application seeking leave for the extension of time
to file a memorandum and record of appeal in an
intended appeal from a judgment of the High Court of
Kenya at Nairobi (Githinji, J) dated 7th June, 2000**

in

H.C.C.C. NO. 1287 OF 1999)

RULING

Mr. Sichangi is, not opposing this application for amendment of the applicant's notice of motion dated 27th September, 2001 and lodged in Court on 1st day of February, 2002. The application seeks to add to the original application dated 31st January, 2001 an additional prayer seeking extension of time to lodge, out of time, notice of appeal, so that the applicant will eventually seek leave to lodge a notice of appeal

and a record of appeal out of time.

It is common ground that original Civil Appeal NO. 188 of 2000 was struck out as incompetent. I allow this application as prayed in prayer 1 on the application. The costs of this applicaiton will be the respondents' in any event. The main application, as now amended, may be set down for hearing.

Dated and delivered at Nairobi this 2nd day of May, 2002.

A.B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR