

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 434 OF 2001

BETWEEN

RICHARD KANYAGO

EXPRESS KENYA LIMITED

PETER KANYAGOAPPLICANTS

AND

DAVID MUKII MEREKARESPONDENT

(Being an application for extension of time to file and serve Notice of Appeal, Memorandum of Appeal and Record of Appeal from the Judgment of the High Court of Kenya at Nairobi (Mr. Justice Osiemo) dated 6th February, 2001

in

H.C.C.C. NO. 78 OF 2000)

R U L I N G

Mr. Majanja for the applicant has explained why there was a mistake on his part in the drafting of the notice of appeal. I am satisfied it is a bona fide mistake on his part and accept his explanation. I am inclined to hold that this is a fit case for the exercise of my discretion. It has not been urged that there is any prejudice. Application allowed. Notice of Appeal within 7 days and record within 21 days thereafter. Costs to abide the appeal.

Made at Nairobi this 23rd day of July, 2002.

A. A. LAKHA

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR