



**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: KWACH, SHAH & KEIWUA, JJ.A.)
CIVIL APPLICATION NO. NAI. 246 OF 2002**

BETWEEN

CEMPACK LIMITEDAPPLICANT

AND

KENYA COMMERCIAL BANK LIMITED.....1ST RESPONDENT

KIERAN DAY2ND RESPONDENT

(Application for variation and or extension of the Ruling of the Court of Appeal at Nairobi (Hon. Mr. Justice R.O. Kwach, Hon. Mr. A.B. Shah, and Hon. Mr. Justice Ole Keiwua, JJ.A.) delivered on the 2nd August, 2002 in Nairobi, Court of Appeal Civil Application No. 171 of 2002) - arising from a Ruling of the Hon. Mr. Justice Osiemo delivered on the 19th day of June, 2002 at Milimani Commercial Courts - Nairobi)

in

H.C.C.C. NO. 569 OF 2002)

RULING OF THE COURT

In view of all the circumstances appertenant to this matter and in view of the state of the economy we extend the time given in our ruling on 2nd day of August 2002 by further **30 days**, both for payment of the sum of K.Shs.100,000,000/= and the instalments so that dates of payment are as follows:-

(i)Shs.100,000,000/= on or before 2nd October, 2002.

(ii)the first instalment of US\$57,313/= on or before 1st November, 2002.

Costs of this application will be in the intended appeal.

Dated and delivered at Nairobi this 29th day of August, 2002.

R.O. KWACH

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JUDGE OF APPEAL

A.B. SHAH

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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