



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: KWACH, LAKHA & BOSIRE, JJ.A.)

CIVIL APPLICATION NO. NAI. 375 OF 2001

BETWEEN

GEORGE GIKUBU MBUTHIA APPLICANT

AND

JIMBA CREDIT CORPORATION LTD..... 1ST RESPONDENT

PETER NJERU MUGO 2ND RESPONDENT

(Application for extension of time to file and serve Notice of Appeal and Record of Appeal out of time from the Ruling and Order of the High Court of Kenya at Nairobi (Hon. Justice P.N.Tank) purportedly dated 18th February, 1992 in

H.C.C.C. NO. 937 OF 1986)

RULING OF THE COURT

This is an application under rule 54(1)(b) of the Rules of this Court by way of a reference from the decision of a single judge of this Court given on 21st June, 2002 whereby she refused to grant an extension to file and serve a notice of appeal and a record of appeal from the ruling of Tank, J. dated 18th February, 1992 . We would say at the outset and without any hesitation that having fully and carefully considered all the aspects involved we are satisfied that this reference has no merit. The learned single judge found with respect that there was inordinate delay which had not been satisfactorily explained.

The learned judge did not err in principle or otherwise in her decision. Nor did Mr. Mbutia persuade us that there was any reason to interfere with the decision of the learned single judge or that there was any material upon which this Court can act to interfere. Accordingly and for the reasons above stated this reference fails and it is dismissed with costs.

Dated and delivered at Nairobi this 5th day of November, 2002.

R.O. KWACH

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR