

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 388 OF 2001

BETWEEN

BETH NYAMBURA KIMANIAPPLICANT

AND

JOYCE NYAKINYUA KIMANIRESPONDENT

**(Application for Leave to Appeal out of time in an intended
appeal from a Judgment of the High Court of Kenya at**

Nairobi (Hon. Mr. Justice Githinji) dated 12th day

October, 1988

in

H.C.SUCC. CAUSE NO. 130 OF 1993)

R U L I N G

Section 50 of Succession Act does not apply as this matter did not originate in the Magistrate's Court and the decision intended to be appealed against is not of the High Court. I am persuaded that this is a fit and proper case for the exercise of my discretion. Accordingly I grant the application. Notice of Appeal within 10 days from today and record within 45 days thereafter. Costs to abide the appeal.

Made at Nairobi this 4th day of November, 2002.

A.A. LAKHA

**.....
JUDGE OF APPEAL**

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