

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NYERI

CORAM: OWUOR, J.A. (IN CHAMBER)

CIVIL APPLICATION NO. NAI. 150 OF 2002(NYR. 20/2002)BETWEEN

JOSEIS WANJIRU Alias JOSEIS WAIRIMU.....APPLICANT

AND

KABUI NDEGWA.....RESPONDENT

(Application for extension of time to validate a reference to full Court in an appeal from a judgment & Order of the High Court of Kenya at Nyeri (Tunoi, J) dated 13/2/1992

in

H.C.C.C. NO. 71 OF 1982)

RULING

On 20th day of October, 2000 a learned single judge of this Court (*Kwach, JA*) dismissed the applicant's application for leave to file a notice of appeal out of time in an intended appeal from the judgment of the superior court dated 13th February, 1992.

The applicant thereafter on 2nd November, 2001 filed an application for a Reference before a full Court. When the Reference came for hearing on 8th day of May, 2002 counsel for the applicant was granted an adjournment to make this application which he filed on 3rd of June, 2002 so as to validate the Reference since the same had been filed outside the prescribed time of 7 days.

I am satisfied that the applicant acted expeditiously in filing this application. The same is hereby granted. I hereby extend the time requested so that the Reference filed on 2nd day of November, 200`1 is deemed to have been filed within the extended time.

Dated and delivered at Nyeri this 1 st day of November, 2002.

E. OWUOR

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.