

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI.261 OF 2000

BETWEEN

1. MC'CLOY SERVICES LIMITED)

2. PETER KYALO)..... APPLICANTS

AND

PURITY A. MUTUKU RESPONDENT

(An application for extension of time to serve a Notice of Appeal out of time in the intended appeal against the judgement and decree of the High Court of Kenya at Nairobi (Justice Keiwua) dated 26th May, 2000.

in

H.C.C.C. No.511 of 1995)

RULING

This is an application under rule 4 of the Rules of this Court for an extension of time within which to serve a Notice of Appeal. The reason given for the delay in serving the Notice is that when all the copies of the same were lodged in the Superior Court, there was delay in sealing the same so that by the time the copies thereof were released to the applicant the seven days allowed under rule 76 for service had already expired. The reason appears weak, but that notwithstanding I exercise my unfettered discretion under rule 4 aforesaid, and extend the time by 4 days from the date hereto

Dated and delivered at Nairobi this 6th day of February, 2001.

S.E.O. BOSIRE

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR