



**IN THE COURT OF APPEAL  
AT NAIROBI  
CORAM: SHAH J.A. (IN CHAMBERS)  
CIVIL APPLICATION NO. NAI. 305 OF 2000**

**BETWEEN**

**PETER MUJUNGA GATHURU.....APPLICANT**

**AND**

**HARUN OSORO NYAMBOKI  
ESTATE BUILDING SOCIETY.....RESPONDENTS**

**(An application for extension of time to file and appeal  
out of time from the Judgment of the High Court of  
Kenya at Nairobi (Kuloba, J) dated 17th June, 1999**

**in**

**H.C.C.C. NO. 2874 OF 1987)**

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**RULING**

Mr. Nyaoga for the respondent is not, quite properly, opposing this application. I, on my part, see no delay in the lodgment of this application which was lodged some 15 days after the first appeal was struck out. Considering all circumstances and also what Mr. Nyaoga says, I allow this application. The record of appeal may be lodged within the next 30 days. The respondent however will have costs of this application which I assess at Shs.8,000/=. These costs must be paid within the next 30 days failing which execution may issue.

Dated and delivered at Nairobi this 28th day of March, 2001.

**A.B. SHAH**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR.**