

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
CORAM: OWUOR, J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI 295 OF 2000 (KSM/49/2000)

BETWEEN

ZECHARIA OGAMBA OMARI

JOSEPH OBAMBA ATENGA APPLICANTS

AND

OTUNDO MOCHACHE ALIAS OTUNDU NYAEGA RESPONDENT

R U L I N G

This is an application for extension of time for the applicant to file a notice of appeal and record of appeal out of time. As pointed out by counsel for the respondent and properly conceded by the applicant, the record on the face of it offends Rule 13 (5) of the 'Rules' in that the record is not numbered as prescribed at every 10th line. Further the annextures to the supporting affidavit are unnumbered nor do they bear a Commissioner of Oaths seal in terms of rule (9) of the Rules made under section (6) of the Statutory Declarations Act Cap. 15. On those grounds the application is defective the same is hereby struck out with costs to the respondent assessed at 2,000/=.

Dated and delivered at Kisumu this 21st day of March, 2001.

E. OWUOR

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JUDGE

OF

APPEAL

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