

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: LAKHA, BOSIRE & OWUOR, J.J.A.)
CIVIL APPLICATION NO. NAI. 50 OF 2000**

BETWEEN

BONIFACE NJIRU T/A NJIRU BONIFACE & CO. ADVOCATES APPLICANT

AND

J.M. KIBUCHI T/A KIBUCHI & CO. ADVOCATES RESPONDENT

RULING OF THE COURT

This is a reference under rule 54(1)(b) of the Rules of this Court to reverse the decision of a single judge given on 24 May 2000 whereby the single judge refused to exercise his discretion to grant an extension to serve the notice of appeal. We have not been persuaded that the single judge erred in principle or otherwise in the exercise of his discretion. Accordingly, the reference fails and it is dismissed with costs.

Dated and delivered at Nairobi this 15th day of March, 2001.

A.A. LAKHA

.....
JUDGE OF APPEAL

S.E.O. BOSIRE

.....
JUDGE OF APPEAL

E. OWUOR

.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR