



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CIVIL MISCELLANEOUS APPLICATION NO. 59 OF 2001**

**BASCO PRODUCTS (K) LIMITED .....APPLICANT**

**AND**

**JOHN ODHIAMBO OKELLO .....RESPONDENT**

**RULING**

This application made under rule 4 of the Rules of this Court seeks an extension of time to file a notice of appeal and the record of appeal out of time. The reason advanced is that the applicant was awaiting instructions from the client. As was said in Njagi v. Munyiri, 1975 EA 179 a notice of appeal is nothing more than a formal written information to the Court of an intention to appeal. It can be withdrawn, attracts a small fee and does not require any papers. In these circumstances, it appears that it was not necessary to await instructions, if time was running out. That notwithstanding, no explanation is given for the delay. The client is local within Nairobi and being an Insurance Company is well versed with this type of litigation.

In these circumstances, it does not seem just to extend time. It is time legal business was carried out with efficiency. I am not satisfied that this case calls for the exercise of my discretion.

Accordingly, the application is dismissed with costs. Dated and delivered at Nairobi this 4th day of April, 2001

**A.A. LAKHA**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**