



**IN THE COURT OF APPEAL  
AT NAIROBI  
(CORAM: KWACH, LAKHA & O'KUBASU, J.J.A.)  
CIVIL APPLICATION NO. NAI. 192 OF 2000**

**BETWEEN**

**MWIHOKO HOUSING CO. LTD.....APPLICANT**

**AND**

**EQUITY BUSINESS SOCIETY .....RESPONDENT**

**(Being an application for Reference to Full Court from a**

**decision of a single Judge of the High Court of Kenya at**

**Nairobi (Justice Shah) dated 22nd December, 2000**

**in**

**H.C.C.C. NO. 5992 OF 1992)**

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**RULING OF THE COURT**

This is a reference under **rule 54(1)(b)** of the Rules of this Court seeking to reverse a decision of a single judge of the Court given on 22 December, 2000 whereby he refused extension to lodge an appeal out of time.

We have carefully considered Mr. Ndege's submissions but we are not persuaded that the learned single judge erred in principle or otherwise in refusing to exercise his discretion. Nor was there any material before him sufficient to reach any other conclusion.

We find no merit in this reference and the same is accordingly dismissed with costs.

Dated and delivered at Nairobi this 22nd day of May, 2001.

**R.O. KWACH**

.....  
**JUDGE OF APPEAL**

**A.A. LAKHA**

.....  
**JUDGE OF APPEAL**

**E. O'KUBASU**

.....  
**JUDGE OF APPEAL**

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