

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NYERI
CORAM: OMOLO J.A (IN CHAMBER)
CIVIL APPLICATION NO. NAI. 385 OF 2000 (NYR. 17/2000)
BETWEEN

KAVUVU MURUAMBETI.....APPLICANT
AND
JOSIAH KORUGARI.....RESPONDENT

(Application for extension of time to file Notice and Record
of appeal out of time from a judgment of the High Court
of Kenya at Embu (Etyang, J) dated 3rd October, 1997

in
H.C.C.C. NO. 4 OF 1994)

R U L I N G

The applicant's previous appeal was struck out by the Court on the 26th October, 2000. The present motion seeking extension of time was lodged in court on the 15th November, 2000. I am not prepared to hold, in the circumstances of the application, that the delay of some two weeks between the striking out of the appeal and the lodging of the current application was such a long one as to call for an explanation from the applicant. Counsel for the respondent were served but neither that counsel nor the respondent himself have appeared to oppose the motion dated the 15th November, 2000 and make the following orders:-

1.The applicant shall file his notice of appeal and serve the same on the respondent within seven(7) days of the date hereof.

2.The record of appeal must be lodged in court within twenty one days from the date hereof and served on the respondent in the usual manner provided by the Rules of the Court.

3.The costs of this motion shall be in the interest of

appeal.

Dated and delivered at Nyeri this 15th day of May, 2001.

**R.S.C. OMOLO
JUDGE OF APPEAL**

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

DEPUTY REGISTRAR