



**IN THE COURT OF APPEAL  
AT NAIROBI  
CIVIL APPLICATION NO. 176 OF 2001**

**1. KHALID MAHMOOD BUTT**

**2. EVANSON JIDIRAPH KAMAU**

**3. BERTHA WANJIRU KAMAU**

**4. CHURCH COMMISSIONERS FOR KENYA..... APPLICANTS**

**AND**

**EDWARD RURII KANJABI .....RESPONDENT**

**(Application for extension of time to file an appeal out of time in an intended appeal  
from a Ruling of the High Court of Kenya at Nairobi (Osiero, J.) dated 4th July, 2001**

**in**

**H.C.C.C. 6062 OF 1992)**

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**R U L I N G**

In my view, the application for adjournment is justified in the circumstances. The respondent's counsel was served with the hearing notice only on 22nd June, 2001. Between then and now were two days normally excluded by the Court in computation of time. Moreover, it would amount to a denial of justice if the respondent is denied a right to reply to the affidavit in support of the application. Again in view of the myriad suits and applications of varied nature between the parties, many of which have not been resolved, the respondent deserves a right to lodge a replying affidavit. I grant leave for an adjournment.

The respondent shall have leave to lodge a replying affidavit within three (3) days hereof. The application is taken out of to-days cause list and stood over to a new date to be obtained in the Registry on a priority basis. The costs occasioned by this application shall be in the cause in any event.

Dated at Nairobi this 20th day of June, 2001.

**P. K. TUNOI**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**