



**REPULIC OF KENYA**

**IN THE COURT OF APPEAL**  
**AT KISUMU**

**(CORAM: BOSIRE, J.A. (IN CHAMBERS))**  
**CIVIL APPLICATION NO. NAI. 133 OF 2001 (KSM.17/2001)**

**BETWEEN**

**PRAYING MANTIS LTD. .... APPLICANT**

**AND**

**JAMES ONYANGO T/A NYALUOYO AUCTIONEERS .....RESPONDENT**

**(An application to file and serve notice of appeal and  
record of appeal out of time from the Judgment and  
Order of the High Court of Kenya at Kisumu (Justice  
Wambilyangah)dated 23rd day of September, 1997**

**in**

**H.C.C.A. NO. 64 OF 1996)**

**\*\*\*\*\***

**R U L I N G**

This is an application under rule 4 of the Rules of this Court for an extension of time within which to file and serve the Notice of Appeal and Record of Appeal against the judgment and order of the superior court in its Civil Appeal No. 64 of 1996.

As Mr. Kasamani for the respondent does not oppose the application and considering the facts and circumstances of the matter, I am inclined to exercise my discretion in favour of extending the time. I accordingly extend the time within which to file and serve a Notice of Appeal by 10 days from the date hereof and a record of appeal by 30 days thereafter.

The respondent shall have the costs of the motion agreed at Kshs.5,000/=.  
**Dated and delivered at Kisumu this 19th day of June, 2001.**

**S. E. O. BOSIRE**  
.....  
**JUDGE OF APPEAL**

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