

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: TUNOI, LAKHA & OWUOR, J.J.A.)
CIVIL APPLICATION NO. NAI. 376 OF 2000**

BETWEEN

MUCHANGA INVESTMENTS LIMITEDAPPLICANT

AND

SAFARIS UNLIMITED (AFRICA) LIMITED 1STRESPONDENT

REGISTRAR OF TITLES 2NDRESPONDENT

ATTORNEY-GENERAL 3RDRESPONDENT

(Application for extension of time to file and serve a Notice of Appeal and Record of Appeal out of time in an intended appeal from the Ruling of the High Court of Kenya at Nairobi (Hon. Justice Khamoni) dated 2nd March, 1999

in

H.C.C.C. NO. 133 OF 1998 (O.S.)

RULING OF THE COURT

This is an application for a reference under **rule 54(1)(b)** of the Rules of this Court. It has been ably argued by Mr. Mwenesi with his usual ability. Two points have been urged: first, **rule 22** has not been complied with. The learned single judge did not consider this relevant and we respectfully agree with him. The discretion exercised in granting the extension cannot be disturbed.

Accordingly, we are not persuaded that the learned single judge erred in principle or otherwise in granting the order as he did. This reference therefore fails and is accordingly dismissed with costs.

Made at Nairobi this 7th day of June, 2001.

P.K. TUNOI

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

E. OWUOR

.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR