

IN THE COURT OF APPEAL

AT NAIROBI

CIVIL MISC APPL 126 OF 2001

IDDAH MUTHONI NJUEAPPLICANT

AND

1. ROBERT KARIUKI MUCHUKI

2. HARRISON GAKUMO THUKURESPONDENTS

R U L I N G

The second respondent, the party most affected by the intended appeal, is not opposing the application now before me. The applicant seeks extension of time to lodge her notice of appeal as well as record of appeal out of time. Miss Mwaura who appears for the second respondent accepts that the applicant's counsel made a genuine mistake when he overlooked entering, in his diary, the date for judgment. Such an error is excusable. In the exercise of my discretion I allow the application and order that a notice of appeal be lodged in the superior court within the next seven days and copies thereof be served on advocates for both the respondents within seven days thereafter. The record of appeal may be filed within 60 days of the time the applicant is notified that the copies of the proceedings and judgment are ready for collection. Costs of this application shall be in the intended appeal.

Dated and delivered at Nairobi this 24th day of July, 2001.

A.B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.