



REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CORAM: LAKHA, J.A (IN CHAMBERS)
CIVIL APPLICATION NO. NAI.51 OF 2001 (UR.30/2001)

BETWEEN

JOB KIPSANG SUTERAPPLICANT

AND

ABRAHAM TENOI KIMALA RESPONDENT

(An application to file Notice of Appeal and Record of Appeal out of time in an intended appeal from the Judgment and decree of the High Court of Kenya at Eldoret High Court(R. Nambuye, J) dated 12th September, 1996

in

ELDORET H.C.C NO. 165 OF 1992)

R U L I N G

This application is under rule 4 for an extension of time based on the ground that the court file was missing.

Reliance is placed on RKL5 and RKL 6 - the 2 letters. I have read them. Nothing therein supports the view that the file was lost. The ground on which the application is based is not substantiated. The application fails and is dismissed with orders.

Made at Nakuru this 25th day of September, 2001

A. A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

