



**IN THE COURT OF APPEAL  
AT NAIROBI  
(CORAM: O'KUBASU J.A (IN CHAMBERS))  
CIVIL APPLICATION NO. NAI 128 OF 2001 (UR. 72/2001)**

**BETWEEN**

**NATION MEDIA GROUP LTD .....APPLICANT**

**AND**

**MORRIS NYAMASYO MASILA ..... 1ST RESPONDENT**

**ATTORNEY GENERAL ..... 2ND RESPONDENT**

**(Application for extension of time to file and serve a  
Notice of Appeal, the Memorandum 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 Nairobi (Osiero, J) dated 22nd March, 2001**

**in**

**H.C.C.C NO. 1880 OF 1998)**

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**R U L I N G**

This is an application for extension of time in which to file notice of appeal and lodge memorandum of appeal. The original appeal was struck out on 4th April, 2001 due to the fact that the notice of appeal was defective as there was mistake in the date when the judgment of the superior court was delivered. The applicant then filed this application thereafter. The mistake has now been rectified. The respondents although served with this application have failed to appear and considered the explanation given by Mr. Majanja for the applicant, I am satisfied that this is a proper case in which I should exercise my discretion in favour of the applicant. Hence, the application is allowed and the applicant is to file a notice of appeal within seven (7) days from the date of this ruling and then file a memorandum of appeal within 21 days from the date the notice of appeal is filed. Costs of this application will abide the outcome of the intended appeal.

**Dated at Nairobi this 20th day of September, 2001.**

**E. O. O'KUBASU**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**