



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CORAM: OMOLO, J.A.**

**CIVIL APPLICATION NO. 354 OF 2001 (189/01 UR)**

**TITUS KIRAGU .....APPLICANT**

**AND**

**AGRICULTURAL DEVELOPMENT CORPORATION.....RESPONDENT**

**(An application for leave to extend time to file and serve the record of appeal from the judgment of the High Court of Kenya at Nakuru (Rimita J) dated 22nd September, 2000**

**in**

**NKR. H.C.C.C. NO. 111 OF 1999**

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**R U L I N G**

I do not think any of the matters being raised by counsel for the applicant can ever make the matter urgent. The judgment was given on 22nd September, 2000 and counsel tells me they have an order staying that judgment. If the stay order is being disobeyed as counsel alleges the answer to that is not to declare the matter urgent. Counsel knows or ought to know what to do if an order in their favour is being disregarded. I still see no reason to certify the matter as urgent and I refuse to do so.

Dated and delivered at Nairobi this 19th day of October, 2001.

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**