

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
CORAM: OMOLO, J.A. (CHAMBERS)
CIVIL APPLICATION NO. NAI. 281 OF 2001 (KSM 45/2001)
BETWEEN**

**LULU DRY CLEANERS LTD 1ST APPLICANT
DISHON JUMBA 2ND APPLICANT
AND
KENYA INDUSTRIAL ESTATES 1ST RESPONDENT
CHARLES O. KAMIDI 2ND RESPONDENT**

**(An application for extension of time to file and serve
record of appeal out of time in an intended appeal
from the judgment and decree of the High Court of
Kenya at Kakamega (Tanui, J) delivered on 19th June,
2001**

**in
H.C.C.C. NO. 376 OF 1992)**

R U L I N G:

The judgment and decree against which the applicants intend to appeal, though dated 19th January, 2000 was apparently only delivered on the 19th June, 2000, some five or so months after it was dated. Why that delay was there, I do not know.

The applicants filed their notice of appeal within the time allowed and they then applied for proceedings and judgment. That was also within the time allowed. The proceedings were supplied on 30th January, 2001 though they were available for collection by 8th January 2001. The applicants were relying on their advocate and the advocate let them down. The application now before me was filed on 17th July, 2001 and that is clearly a considerable delay. The delay is explained on the ground that the second applicant has been ailing and some medical document is attached in support.

Though the delay between 30th January, 2001 and 17th July, 2001 is long, I take into account the explanation given by the applicants and despite its length I am prepared to extend time as prayed for. Accordingly, I allow the motion dated and lodged in court on 17th July, 2001 and order that the record of appeal must be lodged within fourteen days from to-day's date.

The costs of the motion shall be in the intended appeal.

Dated and delivered at Kisumu this 21st day of November, 2001.

R. S. C. OMOLO

JUDGE OF APPEAL

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