

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: SHAH J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI. 193 OF 2001

BETWEEN

KIU RANCHING AND FARMING CO-OPERATIVE SOCIETY LTD.....APPLICANT

AND

KISEE MAWEU & 9 OTHERSRESPONDENTS

**(An application for extension of time to refer the matter
to full court in an intended appeal from a judgment
of the High Court of Kenya at Machakos (Mwera, J)
dated 4th January, 1992**

in

H.C.C.C. NO. 2749 OF 1981)

R U L I N G

I am not satisfied that the application before me has been made in a bona fide manner. One would expect a clerk to fall ill and not file the requisite letter at the Registry but I do not see how the advocates would not inquire into the timeous filing or non-filing thereof for more than seven months. If the letter was not lodged on 19th October, 2000 it was incumbent upon the advocates to inquire into that aspect.

As it is now, the letter was not lodged until 9th November, 2000. Further no action was taken to regularize the nonfiling until 12th June, 2001 when this application was lodged.

I see absolutely nothing before me to enable me to exercise my discretion in favour of the applicant. I dismiss this application with costs.

Dated and delivered at Nairobi this 2nd day of November, 2001.

A.B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR.