



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**(CORAM: LAKHA, J.A. (IN CHAMBERS))**  
**CIVIL APPLICATION NO. NAI. 210 OF 1999**

**BETWEEN**  
**PETER MAINA MUNYUA .....APPLICANT**  
**AND**  
**DAMARIS NJOROGE .....RESPONDENT**

**(Application for extension of time to file and serve Notice and Record of Appeal from a Judgment and Decree of the High Court of Kenya at Nairobi (Justice Amin) dated 21st October, 1997**

**in**

**H.C.C.C. NO. 281 OF 1996)**  
**\*\*\*\*\***

**R U L I N G**

This is an application under rule 4 of the Rules of this Court for an extension of time to file and serve the record of appeal for the purpose of filing an appeal against the judgment of the superior court in appeal given on 21 October, 1997.

It is alleged that there was a mistake on the part of the advocate concerned but his affidavit is not produced to allege or confirm such a mistake. There is, therefore, no material before me to consider the exercise of my discretion. In addition, a similar application for extension was withdrawn when it came before Gicheru, J.A.. This application was not filed until about 20 months later on 6th August, 1999.

Clearly, there is an inordinate delay which has not been explained at all.

For these reasons the application fails. When there is no explanation there can be no indulgence.

Application dismissed with costs.

**Dated and delivered at Nairobi this 20th day of January, 2000.**

**A.A. LAKHA**

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**JUDGE OF APPEAL**

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