

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
CORAM: KWACH, J.A. (IN CHAMBERS)
CIVIL APPLICATION NO. NAI. 289 OF 1999
BETWEEN

JAYANT KUMAR VRAJLAL SHAH
MRS. SHIKSHA DEVIDASAPPLICANTS
AND
MIDCO HOLDINGS (E.A) LIMITED
SUMMIT TEXTILES LIMITEDRESPONDENTS

**(An Application for extension of time to file Notice
and Record of Appeal from a Ruling and Order of the
High Court at Nairobi (Hon. Justice Mulwa) dated 2nd
February, 1999**

in
H.C.W.C. NO. 51 & 52 OF1998)

R U L I N G

This is an application under rule 4 of the Court of Appeal Rules for extension of time to file a Notice of Appeal and a Record of Appeal . The decision against which the applicants wish to appeal was given by Kasanga Mulwa J on 2nd February, 1999. Appeals filed by applicants in this Court to contest that decision were struck out on 4th October, 1999 as incompetent. This application was filed promptly on 14th October, 1999.

In my view the applicants are entitled to the orders they seek as the application was brought without delay and no ground has been urged to disentitle them to my discretion. Accordingly, I allow the application and extend the time for filing a Notice of Appeal by 14 days from today, and for lodging the Record of Appeal by 15 days from the date of filing the Notice of Appeal. Costs assessed at *Shs 10,000/-* to the respondents.

Dated and delivered at Nairobi this 19th day of January, 2000.

R. O. KWACH

JUDGE OF APPEAL

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