

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: OWUOR, J.A (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 51 OF 2000
BETWEEN

KAMERE & CO. ADVOCATESAPPLICANT
AND
PRISCILLA OJUKARESPONDENT

RESPONDENT
(An application for Extension of time in an intended
appeal from the Judgment and Decree of the High
Court of Kenya at Nairobi (Mrs. Justice Hayanga)
dated 30th May, 1996
in
H.C.C.C No. 3751 of 1991

RULING

The applicant, Kamere & Co. Advocate has brought this application under **rule 4** of the Court of Appeal Rules seeking for orders that:-

"1.That this Honourable Court be pleased to grant the applicant herein an extension of time within which to file Notice of appeal.

2.That this Honourable Court be pleased to grant the applicant herein an extension of time to file and serve Record of Appeal in the intended appeal ..."

Although Mr. Chacha, counsel for the respondent has conceded the application, it is worthwhile noting that the ground upon which the extension of time is sought is that there has been complete failure on the part of the superior court registry to supply the applicant with a certified and signed copy of the judgment. Nor has the applicant been supplied with a copy of the proceedings.

The applicant's Notice of appeal was struck out by this Court on 15th day of February, 2000 on the ground that Mr. Kamere had admitted receiving copies of the proceedings and judgment as far back as June, 1998 and yet by 15th February, 2000 he had not filed the intended appeal.

What has transpired as indicated in the affidavit filed in support of the application is that Mr. Kamere did in deed receive a letter from the superior court's registry stating that the judgment and the proceedings were ready for collection. He paid for the same and went to collect them.

It eventually turned out that the two documents were not ready. They were still being checked. This is the position up to date, according to counsel's submission, hence the applicant's inability to institute his intended appeal. To say the least, this is not a satisfactory state of affairs. The Registrar of the superior court is hereby directed through a copy of this Ruling to look into this matter with a view to supplying the applicant the documents he is waiting for.

This application is therefore granted. The applicant shall file his Notice of appeal within 7 days from today's date and thereafter file the appeal within 30 days from the date of filing the Notice of appeal. Costs of the application shall be to the respondent.

Dated and delivered at Nairobi this 31st day of May, 2000.

E. OWUOR

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR