

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(Coram: Gicheru, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 353 OF 1999

BETWEEN
KALANG ENTERPRISES.....APPLICANT
AND
DR. NJUGUNA NDUNGU.....RESPONDENT
(Being an application for leave to file a fresh notice of
appeal and record of appeal out of time in an intended
appeal by the applicant Kalang Enterprises from the ruling
of the High Court of Kenya at Nairobi (Hayanga, J.) date d
20th February, 1998
in
H.C.C.C. NO. 800 OF 1996)

RULING:

Today's hearing date of the applicant's application was taken by consent of parties on 15th March, 2000. There has been no appearance for the respondent nor has, the latter filed a replying affidavit in opposition to the applicant's application. The applicant's application was prompted by the striking out of its original appeal to this Court on 7th December, 1999. On 16th December, 1999 this application was made seeking the extension of time to lodge the Notice and record of appeal. The same was made without delay. In the circumstances and as the same is not opposed as is indicated above, I in the exercise of my discretion under rule 4 of the Court of Appeal Rules grant the applicant's application so that the time for lodging the Notice of Appeal is extended by 7 days from today's date and the time for lodging the record of appeal is extended by 15 days from the date of lodging the Notice of Appeal. I make no order as to the costs occasioned by this application.

Dated and delivered at Nairobi this 29th May, 2000.

J.E. GICHERU
JUDGE OF APPEAL

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