

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
CORAM: OMOLO, J.A. (IN CHAMBERS)
CIVIL APPLICATION NO. NAI 2 OF 2000**

BETWEEN

**THIKA MUNICIPAL COUNCIL
JOSEPH MUTHUKU KAMWERUAPPLICANTS
AND
JANE NYAMBURARESPONDENT**

(Application for extension of time to file notice of appeal and record of appeal from a judgment and decree of the High Court of Kenya at Nairobi (Angawa J) dated 6th October, 1998

in

H.C.C.C. NO. 6274 OF 1990)

R U L I N G

There was really no delay in bringing the present application and with respect to Mrs Kamande for the respondent, she is right in not opposing the application. The applicants' previous appeal was struck out on 16th December, 1999 and the present motion was filed on 5th January, 2000.

There was the Christmas vacation during this period. The previous mistakes made by counsel for the applicants were sufficiently punished when their appeal was struck out and those mistakes cannot again be used to deny them the extension the applicants seek in this motion.

I accordingly allow the motion and make the following orders:-

- 1.The applicants must file their notices of appeal within seven days of the date hereof.
- 2.The applicants must thereafter file their record of appeal within fourteen days from the date the notices of appeal are lodged.
- 3.I award the costs of to-day assessed at Shs.5,000/= to the respondent, to be paid within 15 days of the date hereof. If the same are not paid, the respondent is at liberty to execute. Those shall be my orders.

Dated and delivered at Nairobi this 9th day of May, 2000.

R. S. C. OMOLO

JUDGE OF APPEAL

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

DEPUTY REGISTRAR