

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA**

AT KISUMU

CIVIL APPLI 129 OF 2000

JOSEPH MATAFARI SITUMA APPLICANT

AND

NICHOLAS MAKHANU CHERONGORESPONDENT

(An application for extension of time to lodge a Notice and Record of appeal out of time from the Judgment of the High Court of Kenya at Bungoma (Mr. Justice Ongudi) dated 26th March, 1996

in

H.C.C.C NO. 156 OF 1995)

R U L I N G

The applicant prays that I extend time for him to file both the Notice of appeal and the record of appeal. He had promptly filed an appeal that was struck out by this Court on 22nd March, 2000 and this application for extension filed 47 days after on 8th May, 2000. This delay has been to my mind sufficiently explained in para. 9, 10 & 11 of the supporting affidavit. The explanation is genuine. I accept it and exercise my discretion in favour of the applicant. The application is granted. The applicant shall file a Notice of appeal within 7 days from today's date, and thereafter the record of appeal shall be lodged within 14 days from the date of filing the Notice of appeal.

Dated and delivered at Kisumu this 16th day of June, 2000.

E. OWUOR

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR