

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
CORAM: SHAH, J.A (IN CHAMBERS)
CIVIL APPLICATION NO. NAI. 130 OF 1999
BETWEEN

JAMES KARUGA KIIRUAPPLICANT
AND
1. JOSEPH MWAMBURI
2. SAMMY HUKO
3. THE ATTORNEY GENERAL.....RESPONDENTS

**(An application for extension of time to file notice of
appeal out of time from the judgment of the High
Court of Kenya at Nairobi (Mr. Justice Khamoni)
dated 3/10/1997**

**in
H.C.C.C. NO. 3445 OF 1998)**

R U L I N G

The hearing date of to-day's application was taken by consent of both parties. The respondent is not here to defend the application. The delay in lodging the first appeal, which stands struck out, was only 5 days. This application was lodged within 16 days of the appeal having been struck out.

There is no delay. In fact the delay in the first instance, in lodging Civil Appeal No. 205 of 1998 was minimal and I do not need, therefore, to inquire into merits of the intended appeal. The applicant has a statutory right of appeal.

I allow this application and extend the time to lodge a fresh notice of appeal by seven days from to-day. Time to lodge the record of appeal is extended until 10th day of July, 2000. No order as to costs.

Dated and delivered at Nairobi this 6th day of June, 2000.

A.B. SHAH
.....
JUDGE OF APPEAL

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