



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(Coram: Gicheru, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 29 OF 2000

BETWEEN

A-D AVIATION (AIRCHARTER)
LIMITED.....APPLICANT

AND

INTERNATIONAL AIRBOATS
LIMITED.....RESPONDENT

**(An application for extension of time to file Notice and
Record of Appeal in an intended appeal from a Ruling of
the High Court of Kenya at Nairobi (Onyango Otieno, J.) dated
15.10.98**

in
H.C.C.C. NO. 5489 OF 1990)

R U L I N G:

There was no appearance for the respondent at the hearing of the applicant's application this morning though counsel for the respondent was served on Friday, 30th June, 2000 with today's hearing notice.

The applicant's Civil Appeal NO. 291 of 1998 was struck out by this Court for being incompetent on 7th February, 2000.

On 14th of the same month, this application was made. This was 7 days after the applicant's appeal was struck out.

Clearly there was no inordinate delay on the part of the applicant in making its present application. In the result and as the respondent has not appeared to defend the said application, 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 within the extended time. I make no order as to the costs occasioned by the applicant's application.

Dated and delivered at Nairobi this 3rd of July, 2000.

J.E. GICHERU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR