



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**CORAM: TUNOI, J.A. (IN CHAMBERS)**  
**CIVIL APPLICATION NO. NAI. 232 OF 2000 (106/200 UR)**  
**BETWEEN**

**DOLPHIN PALMS LIMITED ..... APPLICANT**  
**AND**  
**(1) AL-NASIBH TRADING COMPANY LTD. .... FIRST RESPONDENT**  
**(2) HAPPY TWINS FREIGHT FORWARDERS LTD. ... SECOND RESPONDENT**  
**(3) SAMUEL ALEX AYIEKO OYUGI ..... THIRD RESPONDENT**  
**(4) MARGARET AKINYI AYIEKO ..... FOURTH RESPONDENT**

(Application for extension of time to lodge a Notice of  
Appeal and Record of Appeal in the intended appeal  
from the order of the High Court of Kenya at Mombasa  
(Ang'awa, J.) dated 22nd July, 1997

in  
H.C.C.C. NO. 234 OF 1994)

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**R U L I N G**

The background of this application is well-known to me, the matter having been before this court on three other occasions. I need not therefore rehash the facts.

As far as the application is concerned, there has not been any inordinate delay in lodging and prosecuting it. Further, whatever mistakes may have been committed by several counsel handling the matter should not be revisited on the innocent applicant. What is clear, in my mind, is that the applicant is strongly desirous in having the matter finally decided by this court. In the circumstances and in the interests of justice I should exercise my discretion in its favour.

I allow the application. Time is extended for lodging a Notice of Appeal against the decision of Ang'awa J. made on 22nd July, 1997. It should be filed within 7 days hereof. The Record of Appeal shall be lodged within 21 days thereafter. The costs of this application which I assess at Shs.15,000/= shall be paid to the first respondent within 7 days hereof.

**Made at Nairobi this 24th day of August, 2000.**

**P. K. TUNOI**  
.....  
**JUDGE OF APPEAL**

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