

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: SHAH, BOSIRE & O'KUBASU J.J.A)

CIVIL APPEAL NO. 17 OF 2000
BETWEEN
FRANCIS MUNYUA WANYOIKEAPPELLANT
AND
SOBHAGCHAND GOSAR SHAHRESPONDENT

**(Appeal from the judgement of the High Court of Kenya at
Nairobi (Honourable Lady Justice Angawa) delivered
on the 2nd day of June 1999
in
H.C.C. NO. 2283 OF 1995)

RULING OF THE COURT**

This appeal was filed out of time. Looking behind the certificate of delay included in the record of appeal, it is clear that Counsel for the appellant was mistaken as from when the time for filing the record of appeal started running. Mr Gichachi for the appellant applies that we give him an adjournment to enable him regularise the error. We have considered the request and are minded to grant him the adjournment sought. We accordingly take out the appeal from today's hearing list and stand it over generally. The appellant shall pay the respondent's costs occasioned by the adjournment.

Dated and delivered at Nairobi this 25th day of September, 2000.

A.B. SHAH

JUDGE OF APPEAL

S.E.O. BOSIRE

JUDGE OF APPEAL

E. O'KUBASU

JUDGE OF APPEAL

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

