



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT KISUMU
(CORAM: LAKHA, J.A. (IN CHAMBERS))
CIVIL APPLICATION NO. NAI. 263 OF 2000**

**BETWEEN
SELINE ANJELINE ADUOGO APPLICANT
AND
THE CO-OPERATIVE BANK OF KENYA LTD.RESPONDENT**

**(An Application for extension of time to serve a Notice of
Appeal upon the Respondent and to lodge the record of
Appeal out of time from the Ruling of the High Court of
Kenya at Kisumu (Mr. Justice Wambilyanga) dated 12th May,
2000**

in

H.C.C.C. NO. 11 OF 2000)

RULING

This is yet another application for extension. Since the discovery by the applicant that there had been no service of the notice of appeal to the time of filing of this application the time taken by the applicant is considerable and constitutes, in my judgment, inordinate delay which unfortunately has not been satisfactorily explained. Where there is no explanation for delay, there can be no indulgence.

Having regard to all the circumstances I decline to exercise my discretion in favour of the applicant. In view of this it is unnecessary to consider the other points raised. The application fails and is dismissed with costs.

Dated and delivered at Kisumu this 22nd day of November, 2000.

A.A.

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LAKHA

JUDGE OF APPEAL

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

DEPUTY REGISTRAR