



**Wanjiru v Superform Pty Ltd (Civil Appeal E029 of 2023)
[2024] KEELRC 13194 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEELRC 13194 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CIVIL APPEAL E029 OF 2023
K OCHARO, J
NOVEMBER 22, 2024**

BETWEEN

HARRISON NJOROGE WANJIRU APPELLANT

AND

SUPERFORM PTY LTD RESPONDENT

RULING

1. Through his application dated 17th January 2024, the Appellant, acting in person, seeks that time for filing his appeal be enlarged and, as a result, the appeal herein be deemed as duly filed. The application is supported by the Appellant's /Applicant's affidavit sworn on the 17th of January 2024.
2. The Respondent didn't file any grounds of opposition or reply affidavit in opposition to the application as per the Rules of Procedure. The application remains unchallenged, therefore.
3. The Appellant contended that the failure to file the appeal within the requisite time was occasioned by the failure on the part of the lower court to supply him with certified copies of proceedings and Judgement. There is ample material before this Court to support his position that he persistently made efforts to pursue the release of the proceedings and Judgment to him. The certificate of delay dated 5th October 2022 shows that it took the lower court more than two years to avail the documents to the Appellant.
4. Considering the foregoing premises, I am of the view that the failure by the Appellant to file his appeal within the requisite period was occasioned by circumstances, not of his making. He deserves the orders sought in his stated application.
5. In the upshot, the application is hereby allowed. The appeal herein is deemed duly filed.
6. The appeal shall be mentioned before Justice Keli on 17th January 2025 for directions on the hearing of the same.



READ, SIGNED, AND DELIVERED THIS 22ND DAY OF NOVEMBER 2024.

OCHARO KEBIRA

JUDGE

In the presence of:

The Appellant

No appearance for the Respondent

