



IN THE COURT OF APPEAL

AT NAIROBI

CORAM: LAKHA, J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI. 151 OF 1994

BETWEEN

MICHAEL MWANDA AWANDU.....APPLICANT

AND

THE ATTORNEY GENERAL.....RESPONDENT

(Application for extension of time to lodge Record of Appeal
and serve Notice of Appeal out of time in an intended appeal
from a Judgment of the High Court of Kenya at Nairobi

(Justice Mwera)

dated 25th June, 1992

in

H.C.C.C. NO. 3554 OF 1982)

RULING

This is an application under rule 4 of the Rulos of the Court seeking enlargement of time to file Notice of Appeal from the judgment of Mwera, J. delivered on 25th June, 1992 and to serve the same out of time. It also seeks enlargement of time to file the record of appeal.

A Notice of Appeal however was filed on 7th July, 1992 within time. Therefore the first prayer of the application does not lie. it was not served within time. No reason is given why this was not done. Nor does Mr. Chebii appearing for the applicant know when the default was discovered to enable him to limit the delay, if any, in filing this application which was not done until 20th July, 1994. No explanation has been given for the lapse of time since July 1992. In the circumstances although my discretion is unfettered i do not have before me any material to do so. I am accordingly disinclined to exercise my

discretion. The application, is therefore, dismissed with costs.

Dated and delivered at Nairobi this 17th day of December, 1996.

A.A. LAKHA

.....

JUDGE OF APPEAL

I certify that this is

a true copy of the original.

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