



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPLICATION NO. NAI. 303 OF 1998 (116/98UR)

BETWEEN

KENYA COMMERCIAL BANK LIMITED APPLICANT

AND

NAPHTALLY J.B. HAWALA RESPONDENT

(Application for extension of time for lodgment of a Notice of Appeal following the ruling and order of the High Court of Kenya at Kisumu (Justice I.C.C. Wambilyangah) made on the 13th day of August, 1997

in

H.C.C.C. NO. 453 OF 1994)

R U L I N G

Upon reading the Notice of Motion dated 2nd December, 1998 and the supporting affidavit and upon hearing Mr. Okero for the applicant, I am satisfied that this is a fit and proper case and, in all the circumstances of the case just, to exercise the Court's discretion to grant an extension as sought. In the result, the application is granted as prayed. Notice of Appeal shall be filed within 7 days from the date hereof and the record within 15 days thereafter. Costs shall abide the intended appeal.

Dated and delivered at Nairobi this 15th day of December, 1998.

A.A. LAKHA

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JUDGE OF APPEAL

It is now 9:35 a.m. Mr. Ogotu for the Respondent's advocates. Ogotu: I do not oppose the application. Ask for costs. Order: Order already made and signed stands.

Dated and delivered at Nairobi this 15th day of December, 1998.

A.A. LAKHA

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JUDGE OF APPEAL

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

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