

THE REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA

(Coram: Ibrahim & Wanjala, SCJJ)

APPLICATION NO. 1 OF 2016

JOSEPH KINYUA GACHAKI.....APPLICANT

—VERSUS—

PAULINE WANDIA KINYUA..... RESPONDENT

(Being an application for extension of time and review of the decision given by Court of Appeal at Nyeri (Waki, Nambuye & Kiagi, JJ.A) dated 2nd December, 2015, denying certificate of leave to file an appeal to the Supreme Court in Sup.Ct. Civil Application No. 3 of 2015)

—BETWEEN—

JOSEPH KINYUA GACHAKI.....RESPONDENT/APPLICANT

—AND—

PAULINE WANDIA KINYUA.....APPELLANT/RESPONDENT

RULING

1. **UPON** perusing the application dated 19th January and filed on 22nd January, 2016 for extension of time to file a Notice of Appeal and;
2. **UPON** reading the affidavit of JOSEPH KINYUA GACHAKI in support thereof, sworn on 19th January, 2016;

3. **WE HAVE CONSIDERED** the written submissions on record for the applicant and the respondent. The applicant herein, contends that, the delay in filing a Notice of Appeal, is not attributable to any fault or complacency on his part. The applicant submits that, the delay was occasioned by financial difficulties on his part, and a misapprehension of the law on the part of his Advocate. The respondent opposes the application, on grounds that, the reasons advanced by the applicant, for the inordinate delay in filing the Notice of Appeal, cannot justify the extension of time as sought.

4. **HAVING CONSIDERED** the application, by a unanimous decision of this Bench, we make the following Orders under Section 23 (2) (b) of the Supreme Court Act, and Rule 21 of the Supreme Court Rules (2015).

ORDERS	REASONS
<i>The application dated 19th January, 2016 is hereby dismissed with costs.</i>	<i>No compelling reasons have been presented to the Court as a justification for the inordinate delay.</i>

DATED and **DELIVERED** at **NAIROBI** thisDay of....., 2017.

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M. K. IBRAHIM
JUSTICE OF THE SUPREME COURT

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S. C. WANJALA
JUSTICE OF THE SUPREME COURT