

IN THE COURT OF APPEAL FOR EAST AFRICA
AT NAIROBI

(CORAM: DUFFUS, P., SPRY, V.P. AND LAW, J.A.)

CIVIL APPLICATION NO.13 OF 1971

BETWEEN

J.H. OSIRO.....APPLICANT

AND

ANDREW MATIKHO an infant by
AGGREY MATIKHO his father and
Next friend and the said

AGGREY MATIKHO.....RESPONDENTS

(Being a reference to the full court from the Ruling of Mustafa, J.A. in an application for extension of time to file an intended appeal from a judgment of the High Court of Kenya at Nairobi (Chanan Singh, J.) dated 22nd July, 1971 in Civil Case No. 522 of 1970)

29th February, 1972.

SPRY, V-P.

We find it impossible to distinguish this application from that in Civil Application No. NAI. 4 of 1969 and for the same reasons we are unable to say that Mustafa J.A. was wrong to dismiss this application. It follows that this reference must fail, and is dismissed. We would however make it clear that we are not basing this decision in any way on the merits of the intended appeal, which we think may well have been arguable.