



**Orwa v Akinyi (Civil Application E107 of 2022)  
[2022] KECA 1070 (KLR) (12 October 2022) (Ruling)**

Neutral citation: [2022] KECA 1070 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CIVIL APPLICATION E107 OF 2022  
JM NGUGI, JA  
OCTOBER 12, 2022**

**BETWEEN**

**JAMES OUMA ORWA ..... APPLICANT**

**AND**

**ROSE VIOLET AKINYI ..... RESPONDENT**

*(Being an application to extend time to file an appeal from the judgment of Justice A. O. Ombwayo delivered on the 5th August, 2022) in Kisumu ELC Misc. Case No. 4 of 2016)*

**RULING**

1. The Applicant, James Ouma Orwa, moved the Court by way of Notice of Motion dated August 23, 2022. In the main, it seeks for leave for the Applicant to file an appeal out of time.
2. The Application was scheduled for hearing on October 12, 2021. The Hearing Notice and instructions on hearing were served on the Applicants' and Respondent's Counsel by email on October 5, 2022.
3. The Respondent has not filed any response to the Application.
4. On the scheduled date for hearing, the Applicant's counsel filed a Notice of Withdrawal of the Application. Under Rule 54 of the [Court of Appeal Rules](#) an Applicant is permitted to apply for leave to withdraw an application filed at any time.
5. In the circumstances, the Application is hereby marked as withdrawn with no order as to costs.
6. Orders accordingly.

**DATED AND DELIVERED AT KISUMU THIS 12<sup>TH</sup> DAY OF OCTOBER, 2022.**

**JOEL NGUGI**

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**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR**

