Motion to Extend Time for a Supreme Court Appeal After Counsel Delay

Educational sample 091 | Supreme Court of Kenya at Nairobi

Educational reconstruction based on a reported Kenyan decision. This is newly drafted text, not an original court filing, not a matter handled by our team, and not proof that a sample argument succeeded. Parties, parcels and identifying case details in the specimen are replaced with bracketed fields. Do not sign, swear or file it without checking your facts, jurisdiction, applicable rules and court directions.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

CASE OR APPLICATION NO [insert appropriate reference]

[APPLICANT OR CLAIMANT] v [RESPONDENT OR DEFENDANT]

NOTICE OF MOTION

1. The Applicants seek extension under rule 15(2) of the Supreme Court Rules 2020 for the late steps specifically identified below. The judgment intended to be appealed is dated [date], delivered by the Court of Appeal at [station] in [redacted reference].

2. Prayer one: extend time to lodge the notice of appeal by [proposed period]. Prayer two, if independently necessary: extend time for the petition and record by [period]. A draft notice and proposed petition outline are identified without representing an unfiled appeal as already pending.

3. The Applicants explain their proposed jurisdictional route under Article 163(4) at [supporting paragraph]. This motion does not request certification by implication or assume that extending time itself establishes a right of appeal.

4. The grounds concern the Applicants' alleged instructions to former counsel, what counsel represented about filing, and when the Applicants discovered the actual position. Each date and assertion is supported by an identified record or expressly stated as a matter requiring proof.

5. The period from judgment to the proceedings-request letter is [dates and explanation]. The period from that letter to the extension motion is separately explained at [affidavit paragraphs]. Alleging counsel's earlier mistake does not account automatically for later inactivity.

6. The receipt relied on is described by the proceeding for which it was issued. Where it concerns an earlier Court of Appeal case, the Applicants do not present it as documentary proof that a Supreme Court appeal was commissioned or filed.

7. The Applicants address diligence after discovery, prejudice to the Respondent, the limited relief sought and the reason for each proposed filing period. They request directions for service and completion rather than indefinite enlargement.

8. The Applicants seek the specified extension and costs as the Court determines. They recognise that an unopposed application still requires a sufficient evidential basis and that constitutional deadlines cannot be enlarged through this rule.

DATED at [place] on [date]. [Signature of party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Cheruto illustrates a failed application: unsupported instructions and an unexplained later interval were not cured by absence of opposition. The 2018 ruling used old rule 53; a current motion must check rule 15(2) and present practice directions. This is an independent extension request, not a stay application before an appeal exists.

T1 judgment; T2 actual instruction correspondence; T3 correctly described receipt; T4 proceedings request; T5 discovery and subsequent-action records; T6 draft late steps.

Source and procedural limits

Two parties in a succession dispute sought more time to appeal a Kisumu Court of Appeal judgment of 6 November 2015. They blamed former counsel. A March 2016 proceedings-request letter showed knowledge of the judgment; the motion was not filed until January 2017.

The motion was dismissed without costs although unopposed. The receipt relied on concerned the earlier Court of Appeal case, and the later period of delay was not adequately explained. Alleging counsel's mistake was insufficient without a supported chronology.

Current Supreme Court Rules 2020 rule 15(2) governs extension of rule-based time. The 2018 ruling applied the historical rule 53. Extension does not itself establish jurisdiction under Constitution Article 163(4) or extend a constitutional deadline.

Supreme Court Civil Application 1 of 2017 — 8 November 2018. Source: https://supremecourt.judiciary.go.ke/wp-content/uploads/2026/07/Hellen-Cheruto-Another-Vs-Sisilia-Mwikali-Kirwa-SC-Application-1-of-2017-Ruling-8th-November-2018.pdf

The linked original judgment may identify parties. This public specimen omits their names. Historical allegations are not presented as established facts. A different result in your own proceedings is possible.