

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL APPEAL NO. 156 OF 2017

LUCY NYOKABI NYAMBURA.....APPELLANT

VERSUS

1. RUTH DAMA CHARO

2. BEN ITZHAK

3. SHPAK ISAAC.....RESPONDENTS

R U L I N G

1. On 21/2/2018, the court gave some directions and obligated the Appellant to undertake certain acts and gave consequences of non-compliance.
2. Today it is said that the decretal sum ordered to be deposited is yet to be so deposited and the Record of Appeal file outside time omits to incorporate critical documents without which the Appeal cannot be admitted to hearing.
3. This court proceeds from the standpoint that counsel and their clients have a duty to abide by courts directions as the only way to have court business conducted with some certainty. As the of supreme court observed in *Nicholas Kiptoo Korir Arap Salat vs I.E.B.C & 2 Others [2014] eKLR* '*no court could give succor to litigates hellbent not to comply with the rules*'. I can only add that failure to comply with court directions is also a matter of the law.
4. That being my position and even in the absence of the Appellant in whose presence todays date was taken, I invoke the court inherent powers to meet to overriding objectives and order that the appeal be dismissed for failure by the Appellant to comply with directions of the court.
5. I award the costs of the appeal to the Respondents.

Dated and delivered at Mombasa this 30th day of May 2018.

P.J.O. OTIENO

JUDGE