

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT EMBU

Civil Appeal 78 of 2007

JULIANA WANGARI MURIITHI.....APPELLANT

VERSUS

DAVID MURIITHI KINANDA.....RESPONDENT

RULING

This is a matter concerning children and their welfare. There is application for adjournment of the applications already fixed for hearing today. The main reason is that there is need to file a replying affidavit by M/s Thungu for matters arising from the other parties' last affidavit. This will constitute delay in resolving thin dispute. Any party is entitled to file pleadings to support his case.

Ms Thungu says she has not seen her client since 15.1.2008 but she says his health is deteriorating. In the circumstances, I grant adjournment to Ms Thungu but order that as an interim measure and for the good welfare of the children custody care and control of the two minor children is transferred from their father Respondent to their mother Appellant until further orders.

This order to be effected within next 14 days.

Dated this 25th January, 2008.

J. N. KHAMINWA

JUDGE

The two applications, 20/1/2008 and 14/1/2008 to be heard on priority basis on 11/2/2008.

J. N. KHAMINWA

JUDGE