

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL APPEAL NO. 123 OF 1999

TOM OMONDI APPELLANT
- V E R S U S -
JANE KOMBE RESPONDENT

R U L I N G

The applicant was called before Deputy Registrar to show cause why her 1/3 salary should not be attached. The matter was scheduled for hearing on 28/5/04. However on that day she did not make it since, herself and her advocate were not in court at the time for reasons explained in the affidavit.

I have perused the application and affidavits filed for and against. The reasons given for non-attendance are acceptable. The execution of exparte taxation here is stayed pending hearing of the review. It is to be noted that Civil Procedure Rules Order 21 required that a judgment debtor be served to show cause why attachment of salary should be ordered. The applicant indicates that she was not served. Orders are, therefore, granted in terms of prayers (2) and (3) of the application with costs.

Dated this 30th day of July, 2004.

J. KHAMINWA
JUDGE
30.7.08

30.7.04
J. Khaminwa - Judge
Chege – Court clerk
Mr. Mabeya holding brief for Gichana
Non appearance –
Ruling read in his presence.

J. KHAMINWA
JUDGE