



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

MISC. CIVIL APPLICATION NO. 563 OF 2002

IN THE MATTER OF HIGH COURT DIVORCE 40/1999

B E T W E E N

HENRIETTER BENGER KILONZO

A N D

NZUKI KILONZO KITTI

IN THE MATTER OF AN APPLICATION BY THE PETITIONER

HENRIETTER BENGER KILONZO FOR AN ORDER OF COMMITTAL

FOR CONTEMPT AND FOR SUCH OTHER ORDERS AS MAY DEEM

JUST TO THE COURT AGAINST THE RESPONDENT NZUKI

KILONZO KITTI

A N D

IN THE MATTER OF DIVORCE

JUDGMENT

The record shows that the parties and their advocates agreed to have the Application dated 14/3/2003 heard by this court today. The court ordered the hearing to be at 9.00 a.m.

The Applicant's advocate has not turned up by 10.20 a.m. The applicant has not appeared although his bond was extended only today. I am of the view that it is just to treat this matter with urgency since it is a dispute between the husband and wife. However the husband is bent on delaying the matter. In the circumstances I am inclined to dismiss the said application for non-attendance by the applicant.

Further the bond granted to the applicant pending the hearing of that application is hereby cancelled. The warrants of arrest already issued shall be executed by court bailiff forthwith.

Costs in the cause.

J. KHAMINWA
COMMISSIONER OF ASSIZE
10/4/2003